

CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS)- VOLUME VII

Monday, the 15th November ,1948

The the Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. Vice-President (Dr. H. C. Mokherjee) in the Chair.

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following Member took the Pledge and signed the Register:

1. Shri P. S. Nataraja Pillai (Travancore).

DRAFT CONSTITUTION--(Contd.)

Mr. Vice-President (Dr. H. C. Mookherjee): Maulana Hasrat Mohani.

Maulana Hasrat Mohani (United Provinces: Muslim): Sir, I beg to state that on the 6th November, I have notice of an amendment to this effect:

"That the consideration of the Draft Constitution clause by clause be postponed till after it has been finally decided which of the following three sets of words are to be incorporated in the Preamble of the same -

Sovereign Independent Republic,

Sovereign Democratic Republic,

Sovereign Democratic State."

It has not yet been decided which of these three sets is to be incorporated in the Constitution, and yet I understand that the Congress Party has decided to consider this Constitution, clause by clause, without deciding the most important question of what words should be there - Republic or State, in the Preamble.

I have a complaint to make. All the amendments of which notice was given to your office have been printed, but my amendment has been left out. May I know the reason why this has been left out?

Mr. Vice-President: I understand that this has come about at as a result of the form of procedure, and the amendment is out of order. I am fortified in my decision by what I am told is the procedure adopted in the House of Commons where the Preamble comes last of all.

Maulana Hasrat Mohani: May I point out one thing, Sir? On a previous occasion, when the same thing was done by me, it was decided by the President of the Constituent Assembly, and he has definitely given a ruling that my amendment to this very effect which I have proposed today, was in order. He has definitely said so. I may read out his very words which have been printed in the official report --

"I think the amendment is in order. It is open to the House to throw it out."

So I have every right to propose my amendment. Of course, it is open to the House to accept it or reject it. So I say this thing has been settled by the President. If you like you may ask the President if it is a correct ruling or not.

Again, when the Union Constitution was presented before this House in July, on that occasion also, I raised objection to this very effect, and then also the President of the Constituent Assembly definitely said that my amendment cannot be ruled out of order. If you like, I may read out his exact words:

"I actually give a promise that whenever you move an amendment to that effect, it will not be ruled out of order."

So I request you not to rule me out of order, as it has been finally decided by the President that my amendment should be allowed. Of course, it is open to the House to accept or reject it, as on a previous occasion, when the Union Constitution was proposed by Pandit Nehru. It is very unfortunate that instead of Pandit Nehru, we have today Dr. Ambedkar. I think he has reversed the whole order of the business. I submit I have got every right to request you to protect my rights and allow me an opportunity to give my reasons for what I say. Of course, if the House is not willing to accept my amendment, the House can throw it out, as it did on a previous occasion. But I think I must not be discouraged in this way. My right to move any amendment must be protected.

Mr. Vice-President: I make a distinction between the time when the Preamble is to be considered and your right to move an amendment. When the time comes, you have, of course, every right to move your amendment. My ruling is that the Preamble is not to be taken up first of all. That is final.

Now we propose to take up the discussion of the Draft Constitution, clause by clause.

Shri Algurai Shastri (United Provinces: General): *[Mr. President, before you take up the consideration of this constitution, I want to draw your attention to an important matter. Have I your permission to do so?]*

Mr. Vice-President: Please come to the mike.

Shri Algurai Shastri : *[Mr. President, I want to submit that two or three days back a report appeared in the papers that many Hindu Members of the Sind Assembly had been unseated because a large number of Sindhis had left Sind and had come over to India. Those people who have come to India appear to be fourteen lakhs in number and therefore, it appears to be necessary that these Sindhi brothers, who were compelled to leave their place and have come here leaving behind their homes and hearths, should find some representation in this Assembly. We are going to frame a constitution for the whole of India. In framing that constitution it is necessary that these brothers, who have been compelled to leave their homes, should find some representation. I want that some such arrangement may be made as may enable those people who have come here from Sind to get representation in this House. If you permit us, we shall move a regular resolution to that effect so that those people may be represented in this House.]*

Mr. Vice-President: This question cannot be taken up here.

It seems that I made a mistake in the procedure to be adopted. What I have to say now is that Article I should stand as part of the Constitution.

I understand that there is something to be said on this matter by our friend Mr. Ayyangar. As regards the amendments, he has certain proposals to make.

ARTICLE 1.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I submit that amendments Nos. 83 to 96, both inclusive, may kindly be allowed to stand over. They relate to the alternative names, or rather the substitution of names - BHARAT, Bharat Varsha, Hindustan - for the word Indian, in Article 1, clause (1).

It requires some consideration. Through you I am requesting the Assembly to kindly pass over these items and allow these amendments to stand over for some time. A few days later when we come to the Preamble these amendments might be then taken up. I am referring to amendments Nos. 83 to 96, both inclusive, and also amendment No. 97 which reads:

"That in clause (1) of article 1, for the word 'India' the word 'Bharat (India)' and for the word 'States' the word 'Provinces' be substituted."

So I would like all these to stand over.

Mr. Vice-President: Is that agreed to by the House?

Honourable Members: Yes.

Shri Lokanath Misra (Orissa: General): Of course I would have no objection, Sir, if you defer consideration of these amendments for two or three days, but I beg to bring to your notice that amendment No. 85, which stands in my name, does not only mean to change the name of India into 'Bharatavarsha', but it means something more and I am afraid if you hold over this amendment those things would be inappropriate at a later stage. I am submitting that I may be allowed to move this amendment, of course without committing myself to the change of the name of India to 'Bharatavarsha' or otherwise. Though I am not insisting on the change of name just now, I ask that I may be allowed to move the other part of my amendment.

Shri M. Ananthasayanam Ayyangar: My request was that amendments relating only to the name may stand over and in his case on the understanding that the word 'India' be changed to some other name, he may move his amendment. I am not asking that the other portion of this amendment may not be moved.

Mr. Vice-President: So the Honourable Member may take the opportunity of moving the second part of his amendment at the proper place.

Now we shall go to the amendments. Amendment No. 98 stands in the name of Professor K. T. Shah.

Prof. K. T. Shah (Bihar: General): Sir, I beg to move:

"That in clause (1) of article 1, after the words 'shall be a' the words 'Secular, Federal Socialist' be inserted."

and the amended article or clause will read as follows:

"India shall be a Secular, Federal, Socialist Union of States."

In submitting this motion to the House I want first of all to point out that owing to the arrangements by which the Preamble is not considered at this moment, it is a little difficult for those who would like to embody their hopes and aspirations in the Constitution to give expression to them by making amendments of specific clauses which necessarily are restricted in the legal technique as we all know. Had it been possible to consider the governing ideals, so to say, which are embodied in this Preamble to the Draft Constitution, it might have been easier to consider these proposals not only on their own merits, but also as following from such ideals embodied in the preamble as may have been accepted.

As it is, in suggesting this amendment, I am anxious to point out that this is not only a statement of fact as it exists, but also embodies an aspiration which it is hoped will be soon realized. The amendment tries to add three words to the descriptions of our State or Union: that is to say, the new Union shall be a Federal, Secular, Socialist Union of States. The Draft Constitution, may I add in passing, has rendered our task very difficult by omitting a section on definitions, so that terms like "States" are used in a variety of meanings from Article to Article, and therefore it is not always easy to distinguish between the various senses in which, and sometimes conflicting senses in which one and the same term is used. I take it, however, that in the present context the word "Union" stands for the composite aggregate of States, a new State by itself, which has to be according to my amendment a Federal, Secular Socialist State.

I take first the word 'Federal'. This word implies that this is a Union which however is not a Unitary State, in as much as the component or Constituent parts, also described as States in the Draft Constitution, are equally parts and members of the Union, which have definite rights, definite powers and functions, not necessarily overlapping, often however concurrent with the powers and functions assigned to the Union or to the Federal Government. Accordingly it is necessary in my opinion to guard against any misapprehension or misdescription hereafter of this new State, the Union, which we shall describe as the Union of India.

Lest the term 'Union' should lead anyone to imagine that it is a unitary Government I should like to make it clear, in the very first article, the first clause of that article, that it is a 'federal union'. By its very nature the term 'federal' implies an agreed association on equal terms of the states forming part of the Federation. It would be no federation, I submit, there would be no real equality of status, if there is discrimination or differentiation between one member and another and the Union will not be strengthened, I venture to submit, in proportion as there are members States which are weaker in comparison to other States. If some members are less powerful than others, the strength of the Union, I venture to submit, will depend not upon the strongest member of it, but be limited by the weakest member. There will therefore have to be equality of status, powers and functions as between the several members, which I wish to ensure by this amendment by adding the word 'Federal'.

So far as I remember, this word does not occur any where in the constitution to describe this new State of India as a Federation and this seems to me the best place to add this word, so as to leave no room for mistake or misunderstanding hereafter.

Next, as regards the Secular character of the State, we have been told time and again from every platform, that ours is a secular State. If that is true, if that holds good, I do not see why the term could not be added or inserted in the constitution itself, once again, to guard against any possibility of misunderstanding or misapprehension. The term 'secular', I agree, does not find place necessarily in constitutions on which ours seems to have been modelled. But every constitution is framed in the background of the people concerned. The mere fact, therefore, that such description is not formally or specifically adopted to distinguish one state from another, or to emphasis the character of our state is no reason, in my opinion, why we should not insert now at this hour, when we are making our constitution, this very clear and emphatic description of that State.

The secularity of the state must be stressed in view not only of the unhappy experiences we had last year and in the years before and the excesses to which, in the name of religion, communalism or sectarianism can go, but I intend also to emphasis by this description the character and nature of the state which we are constituting today, which would ensure to all its peoples, all its citizens that in all matters relating to the governance of the country and dealings between man and man and dealings between citizen and Government the consideration that will actuate will be the objective realities of the situation, the material factors that condition our being, our living and our acting. For that purpose and in that connection no extraneous considerations or authority will be allowed to interfere, so that the relations between man and man, the relation of the citizen to the state, the relations of the states *inter se* may not be influenced by those other considerations which will result in injustice or inequality as between the several citizens that constitute the people of India.

And last is the term 'socialist'. I am fully aware that it would not be quite a correct description of the state today in India to call it a Socialist Union. I am afraid it is anything but Socialist so far. But I do not see any reason why we should not insert here an aspiration, which I trust many in this House share with me, that if not today, soon hereafter, the character and composition of the State will change, change so radically, so satisfactorily and effectively that the country would become a truly Socialist Union of States.

The term 'socialist' is, I know, frightening to a number of people, who do not examine its implications, or would not understand the meaning of the term and all that it stands for. They merely consider the term 'socialist' as synonymous with abuse, if one were using some such term, and therefore by the very sound, by the very name of it they get frightened and are prepared to oppose it. I know that a person who advocates socialism, or who is a declared or professed socialist is to them taboo, and therefore not even worth a moment's consideration.....

Seth Govind Das (C. P. and Berar: General): It is absolutely wrong.

Prof. K. T. Shah: Thank you. If the assurance given by some friends is correct, I hope the House would have no objection to accept this amendment. I trust that those friends here who are very loud in this assertion will induce others in the House to set aside party barriers, and support me in this promising description, this encouraging epithet of the State.

By the term 'socialist' I may assure my friends here that what is implied or conveyed by this amendment is a state in which equal justice and equal opportunity for everybody is assured, in which every one is expected to contribute by his lab our, by his intelligence, and by his work all that he can to

the maximum capacity, and every one would be assured of getting all that he needs and all that he wants for maintaining a decent civilised standard of existence.

I am sure this can be achieved without any violation of peaceful and orderly progress. I am sure that there is no need to fear in the implications of this term the possibility of a violent revolution resulting in the disestablishment of vested interests. Those who recognise the essential justice in this term, those who think with me that socialism is not only the coming order of the day, but is the only order in which justice between man and man can be assured, is the only order in which privileges of class exclusiveness property for exploiting elements can be dispensed with must support me in this amendment. It is the only order in which, man would be restored to his natural right and enjoy equal opportunities and his life no longer regulated by artificial barriers, customs, conventions, laws and decrees that man has imposed on himself and his fellows in defence of vested interests. If this ideal is accepted I do not see that there is anything objectionable in inserting this epithet or designation or description in this article, and calling our Union a Socialist Union of States.

I have one more word to add. As I said at the very beginning this is not merely an addition or amendment to correct legal technicality, or make a factual change, but an aspiration and also a description of present facts. There are the words "shall be" in the draft itself. I therefore take my stand on the term "shall be", and read in them a promise and hope which I wish to amplify and definitise. I trust the majority, if not all the members of this House, will share with me.

The Honourable Dr. B. R. Ambedkar (Bombay: General): Mr. Vice-President, Sir, I regret that I cannot accept the amendment of Prof. K. T. Shah. My objections, stated briefly are two. In the first place the Constitution, as I stated in my opening speech in support of the motion I made before the House, is merely a mechanism for the purpose of regulating the work of the various organs of the State. It is not a mechanism where by particular members or particular parties are installed in office. What should be the policy of the State, how the Society should be organised in its social and economic side are matters which must be decided by the people themselves according to time and circumstances. It cannot be laid down in the Constitution itself, because that is destroying democracy altogether. If you state in the Constitution that the social organisation of the State shall take a particular form, you are, in my judgment, taking away the liberty of the people to decide what should be the social organisation in which they wish to live. It is perfectly possible today, for the majority people to hold that the socialist organisation of society is better than the capitalist organisation of society. But it would be perfectly possible for thinking people to devise some other form of social organisation which might be better than the socialist organisation of today or of tomorrow. I do not see therefore why the Constitution should tie down the people to live in a particular form and not leave it to the people themselves to decide it for themselves. This is one reason why the amendment should be opposed.

The second reason is that the amendment is purely superfluous. My Honourable friend, Prof. Shah, does not seem to have taken into account the fact that apart from the Fundamental Rights, which we have embodied in the Constitution, we have also introduced other sections which deal with directive principles of state policy. If my honourable friend were to read the Articles contained in Part IV, he will find that both the Legislature as well as the Executive have been placed by this Constitution under certain definite obligations as to the

form of their policy. Now, to read only Article 31, which deals with this matter: It says:

"The State shall, in particular, direct its policy towards securing --

(i) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(ii) that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;

(iii) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(iv) that there is equal pay for equal work for both men and women;...."

There are some other items more or less in the same strain. What I would like to ask Professor Shah is this: If these directive principles to which I have drawn attention are not socialistic in their direction and in their content, I fail to understand what more socialism can be.

Therefore my submission is that these socialist principles are already embodied in our Constitution and it is unnecessary to accept this amendment.

Shri H. V. Kamath (C. P. and Berar: General): Mr. Vice-President, the amendment moved by my honourable friend, Prof. K. T. Shah is, I submit somewhat out of place. As regards the words 'secular and socialist' suggested by him I personally think that they should find a place, if at all only in the Preamble. If you refer to the title of this Part, it says, 'Union and its Territory and jurisdiction'. Therefore this Part deals with Territory and the jurisdiction of the Union and not with what is going to be the character of the future Constitutional structure.

As regards the word 'Union' if Prof. Shah had referred to the footnote on page 2 of the draft Constitution, he would have found that "The Committee considers that following the language of the Preamble to the British North America Act, 1867, it would not be inappropriate to describe India as a Union although its Constitution may be federal in structure". I have the Constitution of British North America before me. Therein it is said:

"Whereas the provinces of Canada, Nova Scotia, have expressed a desire to be federally united", but subsequently the word "federal" is dropped, and only the word "Union" retained. Similarly, in our Constitution the emphasis should be on the word 'Union' rather than on the word 'Federal'. The tendency to disintegrate in our body politic has been rampant since the dawn of history and if this tendency is to be curbed the word 'federal' should be omitted from this Article.

You might remember, Sir, that the content of Federation has been incorporated in the Constitution and we have various Lists prescribed for Union, etc. So long as the essence is there in the Constitution, I do not see any reason why the word 'Federal' should be specifically inserted here to qualify the word 'Union'. I therefore oppose the amendment of Professor Shah.

Mr. Vice-President: The question is:

"That in clause (1) of Article 1 after the words 'shall be a' the words 'Secular, Federal, Socialist' be inserted."

The motion was negatived.

Mr. Vice-President: I want to make one thing clear. After the reply has been given by Dr. Ambedkar, I shall not permit any further discussion. I have made a mistake once. I am not going to repeat it. (*Laughter*).

Mahboob Ali Baig Sahib Bahadur (Madras: Muslim): Mr. Vice-President, Sir, I move:

"That in clause (1) of Article 1 for the word 'States' the word 'provinces' be substituted."

You, Sir, will remember that when Dr. Ambedkar moved the motion for the consideration of this Draft Constitution, when he was dealing with the form of Government, he stated that.....

Mr. Vice-President: We do not want a discussion of this nature. I appeal to the Honourable Member to speak only if he has something new to say.

Mahboob Ali Baig Sahib Bahadur: Dr. Ambedkar stated, when dealing with the form of government, that there are two forms of government, one unitary and the other federal.

Shri K. Hanumanthaiya (Mysore): On a point of order, Sir. We have already voted down the amendment of Prof. K. T. Shah. It contained the word "Federation" and the House has already given its decision on that question. If the mover of the present amendment moves his amendment, the House would be reconsidering the same question. Therefore, in view of the fact that this amendment, was already covered by the previous amendment and discussion and voting had taken place on it, I think he is out of order in moving this amendment. I hope the Chair will use its discretion in the matter so that we may do our work quickly.

Mr. Vice-President: I agree with you in thinking that the question has been discussed, but I think he is still in order if he insists on moving this particular amendment.

Mahboob Ali Baig Sahib Bahadur : Dr. Ambedkar asserted that in the Draft Constitution the government that is proposed is federal and not unitary, but subsequently he stated that nothing turns upon the term used, whether you call it a Union or a Federation. He further went on to say that the word 'Union' has been used advisedly so that the constituent parts may not have the freedom to get out. I take it that I am correct in interpreting the view taken by Dr. Ambedkar. Now, Sir, a Constitution is either unitary or federal, but if the framers of the Draft Constitution had in the back of their minds a unitary government and yet called it federal.....

Mr. Vice-President: Since the time at our disposal is short, please confine yourself strictly to the point.

Mahboob Ali Baig Sahib Bahadur: If Dr. Ambedkar says that the word "Union" was used not with any great significance, there is no reason why we should not use the correct word "Federation", but if on the other hand the word "Union" was used with a purpose so that in course of time this federal form of government may be converted into a unitary form of government, then it is for this House now to use the correct word so that it may be difficult in future for any

power-seeking party that may come into power easily to convert this into a unitary form of government. So, it is for the House to use the correct word "Federation" instead of the word "Union". This is my justification, Sir, for moving this amendment. If you mean that the government must be a federal government and not a unitary government and if you want to prevent in future any power-seeking party to convert it into a unitary form of government and become Fascist and totalitarian, then it is up to us now to use the correct word, which is "Federation". Therefore, Sir, I move that the word "Federation" may be substituted for the word "Union".

The Honourable Dr. B. R. Ambedkar: I do not accept the amendment.

Mr. Vice-President: I now put the amendment to the vote.

The motion was negatived

Mr. Vice-President: Then Amendment No. 100 to be moved by Mr. Lari. I think it is covered by amendment No. 99. Does Mr. Lari insist on moving it? (Mr. Lari was not in the House). Then we pass on to amendment No. 101. Mr. Kamath.

Shri H. V. Kamath: I am moving only the second part of it, Sir. At the outset may I submit to you.....

Mr. Vice-President: What do you want to say, Mr. Ayyangar?

Shri Mr. Ananthasayanam Ayyangar: So far as this amendment is concerned, I do not want any postponement. I do not see any serious objection to the latter part of it being moved.

An Honourable Member: Amendment No. 104 is on the same subject, Sir.

Shri H. V. Kamath: At the outset, may I bring to your notice, Sir, that I originally sent this amendment separately as two amendments. Unfortunately the office has lumped them together into one. Had these amendments been printed separately, no difficulty would have arisen. The first amendment was to insert the word "Federal" before the word "Union", and the second was to substitute the word "Pradeshas" for the word "States".

May I now proceed to the amendment itself. The second part of the amendment only is before the House. I move, Sir:

"That for the word 'States' in clause (1) of Article 1, the words 'Pradeshas' may be substituted."

Shri C. Subramaniam (Madras: General): On a point of order, Sir. This is not an amendment. The word "Pradeshas" is only a Hindi translation of the word "States". If we accept translations of words as amendments, it will create endless complications. The Draft Constitution is in the English language and we should adhere to English terminology and not accept other words, whether they be from Hindi or Hindustani.

Mr. Vice-President: May I point out that it is not really a point of order, but an argument against the use of the word "Pradeshas"? Please allow Mr. Kamath, if he so wishes, to address the House.

Shri H. V. Kamath : I am glad, Sir, that several friend shave already made their observations, because that shows how much interest the House is taking in this matter. So I now proceed fortified by that conviction. My reasons for substitution of the word "State" by the word "Pradesha" are manifold. Firstly, I find that in this Draft Constitution, the word "State" has been used in more senses than one. May I invite your attention and the attention of the House to Part III, Article 7, where it is stated: 'The State' includes the Government Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India. Here we use the word "State" in quite a different sense. So the first reason for my amendment for the substitution of the word "State" by the word "Pradesha" is to avoid this confusion which is likely to arise by the use of the word "State" in different places in different senses in this Constitution. Secondly, Sir, - I hope my suspicion or my doubt is wrong, - but I feel that this word "State" smacks of a blind copying or imitation of the word "State" which you find in the Constitution of the United States. We have been told by Dr. Ambedkar in his first speech on the motion for the consideration of the Draft Constitution that we have borrowed so many things from various constitutions of the world. Here it strikes me that word "State" has been borrowed from the Constitution of the U.S.A. and I am against all blind copying or blind imitation. Thirdly, Sir, looking at our own history, at least during the last 150 years, the word "State" has come to be associated with something which we intensely dislike, if not abhor. The States in India have been associated with a particular type of administration which we are anxious to terminate with the least possible delay and we have already done so under the sagacious leadership of Sardar Patel. Therefore, this malodorous association with the British regime, which, happily, is no more, I seek to get rid of through this amendment which I have moved before the House. To those friends of mine, who are sticklers for the English language, who think that because this Constitution has been drafted in English, we should not bring in words that are our own, I should like to make one submission and that is this, that the bar to my mind is not against all words that are indigenous, that are Hindi or Indian in their etymological structure. I am reading from the "Constitutional Precedents", regarding the Constitution of the Irish Free State - it was adopted in 1937 - which was supplied to us a year and half ago by the Secretariat of the Assembly. If we turn to page 114 of this Constitutional Precedents, we find there is a footnote on that page to this effect:

"Also in the Irish language."

This means that the Constitution of 1937 was adopted firstly in English, because the footnote says it was adopted also in the Irish language. That means to say that originally it was adopted in the English language and later on adopted in the Irish language. If you look at the Constitution of Ireland, we find so many Irish words and not English words, words like - I do not know how they are pronounced in the English language - Oireachtas, Dail Eireann, Taois each (for the Prime Minister) and Seanad Eireann. All these words are purely Irish words and they have retained these words in the Irish Constitution adopted in the English language, and they did not bother to substitute the equivalent word sin the English language. Therefore it is for this House to decide what words we can incorporate in our Constitution though they are Indian, Hindi or any other language of our country.

So, Sir, for the reasons that I have stated already the word "State" should never be used in our Constitution in this context. Firstly, because it smacks of blind imitation. Secondly, because of its association with a regime which, by our efforts and by the grace of God, we have put an end to. I will make one other

submission, Sir. In the new integrated States - former States or Indian States which we have been able to unite into one unit - we have already used the word "Pradesh", and we have called the Himachal Union as the Himachal Pradesh and the Vindhya Union as the Vidhya Pradesh, and there is a movement afoot in Assam to call the union of States there as Purbachal Pradesh.

Another point is that we are going to constitute provinces on a new basis in the near future. Already the provinces of Madras, of C. P. and of Bombay have got merged in themselves some of the former Indian States and so the new provinces are going to be different from the old Provinces and therefore the word "Pradesh" is much better and much more apt than the word "State".

Sir, the last point that I want to make is this. My friend Mr. G. S. Gupta has also tabled an amendment to this article. That would arise only if my amendment is adopted. If this fails, the amendment of my friend will not arise. If my amendment is adopted, then certainly consequential changes will have to be made throughout the text of the Draft Constitution.

Therefore, I move this amendment, Sir:

"That in clause (1) of Article 1, for the word 'States' the word 'Pradeshas' be substituted."

and commend it to the acceptance of the House.

The Honourable Shri Ghanshyam Singh Gupta (C. P. & Berar: General): Sir, I would like to submit this with regard to my amendment. Mr. Kamath has given an amendment which only says that in clause (1) of article 1 for the word 'States', the word 'Pradeshas' be substituted. That would mean, that in other clauses, in other articles, the word may not be substituted. If that contingency arises, it may not be all right. Therefore, my amendment No. 104 may either be treated as an amendment to Mr. Kamath's amendment or I may be allowed to move it now, so that no further complication may arise. Because, it would be really absurd if the word 'States' is changed into 'Pradeshas' only in clause (1) of Article 1. Sir, I shall read Article 1. Clause (1) of Article I say: "India shall be a Union of States." This is the only place where Mr. Kamath has sought to change. It means instead of 'States' we shall have, "India shall be a Union of Pradeshas." In clauses (2) and (3) and in other clauses, the word 'State' will continue.

Mr. Vice-President: May I interrupt with your permission. If this amendment of Mr. Kamath is rejected, then, amendment No. 104 comes in. Even if it is carried, then, your amendment will come in subsequently and you will have a subsequent chance. I think that would economise the time of the House.

The Honourable Shri Ghanshyam Singh Gupta: Sir, the procedure that I suggest would really economise the time of the House. If I move my amendment as an amendment to Mr. Kamath's amendment, the time of the House will be saved. Otherwise a contingency may arise - I do not say it will. Suppose Mr. Kamath's amendment is carried and mine is rejected.....

Mr. Vice-President: Do you want to move it now?

The Honourable Shri Ghanshyam Singh Gupta: Yes.

Mr. Vice-President: All right; you may do so.

The Honourable Shri Ghanshyam Singh Gupta: Sir, I move:

"That in Article 1 for the word 'State' whenever it occurs, the word 'Pradesh' be substituted and consequential changes be made throughout the Draft Constitution."

The reason why I want to make this motion just now is what I have already submitted. If Mr. Kamath's amendment is carried, then it will mean that only clause (1) of Article 1 will be amended, and the rest of it will not be amended. But, if my amendment is carried, then, not only in clause (1) of Article 1 we shall have substituted the word 'Pradesh' for the word 'State', but in the subsequent portions of Article 1 and throughout the Draft Constitution, wherever the word 'State' occurs, so that it would be quite consistent. Otherwise, there would be some absurdity left. The reason why I want the word 'States' in Parts I and II are really provinces and the States in Part III are what are called Indian States at present, none of which are States in the accepted sense of the term. One reason for using the word 'State' may be to synchronise the two, and the other reason could be to follow the American Constitution. The American Constitution has no parallel with us, because, originally the American States were all sovereign States. Our provinces are not at all sovereign; they were never sovereign States. Our provinces are not at all sovereign; they were never sovereign of the Centre. The Indian States also are not sovereign. We want that India should not only be one nation, but it should really be one State. Therefore, I submit that it should be, "India shall be a union of Pradeshas." I avoid the word 'provinces' because, it will not fit in with what are now called Indian States, we want that both may be synchronised. This word 'Pradesha' can suit both the provinces and what are now called Indian States. Indian States are merging and merging very fast, thanks to our leaders. Moreover they themselves are choosing that word. For instance, they call the Himachal Pradesh, and Vindhya Pradesh. If we use this word for our Provinces as also for the States, all anomaly would be removed. This is all that I have to say.

Shri K. Hanumanthaiya : Sir, I have regretfully to oppose that amendments moved by friends Mr. Kamath and Mr. Gupta. I have to state that by whatever name the rose is called, it smells sweet. Here, the Drafting Committee has advisedly called India a Union of States. My friends want to call the same by the name of a Union of Pradeshas. I do not want that this occasion should be utilised for any language controversy. I would appeal to the House not to take this question in that light. The word Pradesh, as admitted on all hands, is not an English word. We are considering the Draft in the English language. I would respectfully appeal to my honourable friends who have moved the amendments to show me in any English Dictionary the word Pradesh. We cannot go on adding to the English language unilaterally all the words that we think suitable. The English language has got its own words. We cannot make the Draft Constitution a hotchpotch of words of different languages. Besides, the Constitution, I respectfully submit, is a legal document. Words have got a fixed meaning. We cannot incorporate new words with vague meanings in this Constitution and take the risk of misinterpretation in courts of law. I would therefore beg the mover and the seconder not to press this word to be incorporated in the Draft Constitution. If my friends are very enthusiastic about the Hindi language, we are not far behind them; we will support them. But, this is not the place, this is not the occasion to insert Hindi words in the Draft Constitution. Therefore, Sir, purely as a matter of convenience and legal adaptability, the Drafting Committee's word "State" is quite good. To substitute it by the word "Pradesh" would be to open the flood-gates of controversy, and if there are other amendments to the effect that Kannada words, Tamil words and Hindi words should be substituted in the different Articles of the Constitution then, as I said, the whole draft, as placed before the House, would be a hotchpotch of linguism. I would earnestly request

the members not to press these amendments, because it is merely a translation, and not to introduce non-English words into an English Draft.

Pandit Lakshmi Kanta Maitra (West Bengal: General) Mr. Vice-President, I have very carefully listened to the speech just delivered by my honourable friend Mr. Hanumanthaiya opposing the amendment of my honourable friend Mr. Kamath. I must tell at once my honourable friend Mr. Hanumanthaiya that he need not have unnecessarily scented a sort of underhand effort to import Hindi linguism by this amendment. In the course of my speech on the general motion for consideration of the Draft Constitution I dilated at considerable length on the question of States. I pointed out then and point out even now that the expression 'State' has got a peculiar connotation in the Constitutional literature of the world. (*Cheers*). 'State' always connotes an idea of sovereignty, absolute independence and things like that. In the United States of America there was a States Rights School. It seriously contended that the States had independent status and the bitterness which was generated by the long drawn out controversy culminated in the bloody civil war. That is the evidence of history. Therefore when we want to describe our country as a Union of States, I apprehend that it is quite possible that the provinces which are now being given the dignified status of States, the native States which had hitherto been under the Indian Princes, but have now either acceded to or merged in, the Indian Union may at a later stage seriously contend that they were absolutely sovereign entities and that the Native States acceded to the Indian Union ceding only three subjects, *viz.* Communications, Defence and External Affairs. In order to avoid all these likely controversies in the future, I suggested to the House that best efforts should be made to evolve a phraseology in place of 'States'. We must eliminate the chances of this controversy in the future. I am prepared even now - let my friends ransack and find out a substitute. This word has an unsavory smell about it. In the absence of 'State' it has been suggested that the word 'Pradesh' should be substituted. Let me tell my friend Mr. Hanumanthaiya and those of his way of thinking that the word may be used in Hindi but it is a Sanskrit word. It is not an English word but there will be no difficulty if it is used. Here you describe in article 1 sub-clause (2) that -

"The States shall mean the States for the time being specified in Parts I, II and III of the First Schedule."

If you look to Part I of the Schedule, you will find the States that are enumerated there are the Governors' provinces of Madras, Bombay, West Bengal, United Provinces, Bihar, Central Provinces, Assam and Orissa, if you look to Part II you will find Delhi, Ajmer-Merwara, including Panth Piploda and Coorg. I seriously ask, are you going to describe the City of Delhi as a State? Are you going to describe Coorg as a State? Are you going to describe Panth Piploda as a State? Are you going to describe Ajmer-Merwara as a State? If you do it, it will be simply ridiculous. Therefore in the absence of any other suitable expression I do feel that the term 'Pradesh' which is of Sanskrit origin and which means a country of big area - would be quite suitable. There will be no harm if, in the first schedule, in the description, the words 'Pradesh' I know it is an English translation. There is some force in what my honourable friend said that in the English draft itself you should not introduce Sanskrit words. But my friend coming from My sore should be the last person to describe his own territory as an Independent State. Does it require any argument? Has he not so far pleaded that these States should have no sovereign existence and that they should be merged with the Union? Therefore there ought to be no sanctity about the word 'State'. I am perfectly prepared if the Draftsmen or any body in this House could find an expression which would denote and connote what we want. We have always pleaded for a strong Centre. In the Draft we have a federal structure but the

Drafting Committee has rightly imported to it a unitary bias. We appreciate it. If we are to give effect to that view we have got to find out an expression which will thoroughly embody the concept which we have in view. From this point of view I am convinced that nothing would be lost if we describe the States as Pradesh. In that case all categories of States, Governors' provinces, Chief Commissioners' provinces and what have hitherto been called Native States could all be included under 'Pradesh' and 'Pradesh' could be enumerated in the First Schedule I support the amendment to substitute 'Pradesh' in place of 'State'.

Shri Rohini Kumar Choudhari (Assam: General): Sir, in future I would ask you to allow me to speak from the nearest mike because the long distance which we have to travel from the seat to this place sometimes helps us to forget our ideas. (*Laughter*).

I want to oppose this amendment. First of all I oppose Mr. Kamath's amendment and it is very easy to ask the House to throw it out. He has asked the word 'Pradeshas' to be used in place of the word 'States'. How does he come to the conclusion that 'Pradeshas' is a plural of 'Pradeh'? You are using the English Grammar again while you are trying to give up English word. It should be 'Pradeshah' if anything. It cannot be 'Pradeshas'. Therefore on that ground as well as on the ground that if you change the word 'Pradeshas' in article 1 and you do not touch the rest of the article, then it becomes meaningless. Therefore on these two grounds I oppose the amendment which has been moved by Mr. Kamath. But I must be careful when I go to oppose the amendment of a person like my friend Mr. Gupta who is the Speaker of the C. P. Assembly.

Nevertheless, I cannot understand the object of the change he proposes. There may be some sentiment behind it which I may understand, but not appreciate. Here, Sir, you have a Constitution in English and the same Constitution in the language called the National Language - call it Hindi or Hindustani. When you write the Constitution in Hindustani, it is but natural that you should use the word 'Pradesh' in place of the word 'State' or 'Province'. But when you are writing the Constitution in the English language, it is not conceivable why you should seek to change the word 'State' to 'Pradesh'. What is the object? That is what I would like to know. If the object is to acquaint people who are not acquainted with Hindi, with the word 'Pradesh', that I can understand. People from South India do not understand Hindi, and so first of all, let them begin by learning the word Pradesh in the Hindi Language. You start with the word Pradesh now, and next time you give them some other word to learn, and bit by bit bring the language on the people of South India. (*Laughter*). Is that the object?

Then again, it will be most unaesthetic as suffix to the word 'Pradesh' for the United Provinces or the Central Provinces. Would you call then United Provinces Pradesh or the Central Provinces Pradesh? And if you were to translate the word Province also into Pradesh, then there would be two Pradesh Pradesh, and all this is rather odd.

Come to Bengal. What would you call West Bengal? Would you call it West Bengal Pradesh? Paschim Banga Pradesh. I can understand, but I cannot understand putting in the word Pradesh alone.

All these complications will arise if the word is changed. It will help nobody. On the other hand, it will not go against the sentiments of anyone if the word 'State' is used. So I would request Honourable Mr. Gupta to consider this point again.

If by any mischance, this amendment is carried, you, Sir, will kindly allow us time to make amendments in the First Schedule, because it looks very awkward to say U. P. Pradesh, or C. P. Pradesh. I would also like to change from Assam Pradesh to Kamrup Pradesh, because the word Assam jarson everyone's ears as I find now-a-days.

Mr. Vice-President: You must obey the bell.

Shri Rohini Kumar Chaudhari: I am short of hearing bell sounds, Sir.

Seth Govind Das (C. P. & Berar : General): First of all, Sir, I want to assure the honourable members of the non-Hindi speaking provinces, that our object in moving this amendment is not to force Hindi on any one. The language controversy need not have arisen so far as this amendment is concerned. We wanted to drop the word 'State', and therefore, this amendment is being moved.

I was rather surprised to hear the speech of my honourable friend Mr. Rohini Kumar Chaudhari. He asked us, if Pradesh is accepted, what is going to happen to U. P. and to C. P.? I want to tell him that it would be Samyukta Pradesh or Madhya Pradesh. It will not be the U. P. Pradesh or C. P. Pradesh. Mr. Rohini Kumar, I think, knows Sanskrit well, and he will agree with me that even if we adopt the word Pradesh in our Constitution, it does not mean that the English word Provinces or Province would be used along with the word Pradesh. If we want to get rid of the word 'State' because it has got different meanings in different countries, the only way is to put in the word Pradesh there.

Now, as far as the word Provinces is concerned, another controversy is there. There are newly formed States or Unions of States which may not accept the word Province in the beginning. Though all the provinces would be treated alike in the future, in the beginning, to name these State Unions as Provinces will not be a proper thing. Therefore, in view of these difficulties, we thought that the word 'Pradesh' would be the proper word. Even in the English version of the Constitution, I think there should not be any difficulty inputting the word Pradesh. There are many other words which have been taken in the English language, for instance words like 'bazaar' or 'Rajyas'. For these words, when we form the plural of these words, we add the letter 's', and say 'bazaars' or 'Rajyas' in English. Similarly to make Hindi word into its plural form in the English language you need add only 's'. I do not see what difficulty there is to adding 's' to Pradesh also and say Pradeshas when we want the plural form.

I hope, Sir, that controversy of language and other questions will not be raised here, and if we think the word 'State' should be dropped, and under the present circumstances, the word 'provinces' cannot be taken up, I think the best thing would be to put in the word 'Pradesh' both in the Hindi Constitution and in the English Constitution.

Sir, I support the amendment.

The Honourable Pandit Jawaharlal Nehru (United Provinces: General): Sir, I do not wish to enter into any lengthy arguments on this question, but only wish to point out what my own reaction to this proposal is. When we met some time back in the two committees - the Union Constitution Committee and the Provincial Constitution Committee - we met jointly, and we considered this matter, and also as to what the names of the Houses should be. After considerable discussion, we came to the conclusion that one of the Houses should be called the House of States. So I say this matter was discussed then in various

forms. Now I feel that at the present moment, if any change is made in the name of a province, and it is called a Pradesh, personally I think it would be a very unwise change. (*Hear, hear*). For the moment, I am not going into the merits of it. It may be, we may have to change, but if so, there should be some uniformity about these changes all over the place. It is not right to push in one or two words here and there. They do not fit in aesthetically, artistically, linguistically or in any other way.

Apart from all this, the argument that was advanced, that "State" somehow meant something which we did not wish our units to mean, I think, was not a very strong argument. The example of the United States of America was given. A State is just what you define it to be. You define in this Constitution the exact powers of your units. It does not become something less if you call it a "Pradesh" or "Province". On the other hand "Pradesh" is a word which has no definition. No one knows what it means. With all respect, no one present in this House can define it because it has not been used in this context previously. It has been used in various other contexts. It is a very good word, and gradually it may begin to get a significance, and then of course it can be used either in the Constitution or otherwise. At the present moment, the normal use of the word varies in hundreds of different ways and the word "State" is infinitely more precise, more definite, not only for the outside world which it is, but even for us. Therefore, it will be unfortunate if we used a completely improvised word, which becomes a linguistic anachronism for a Constitution of this type. Now, I can understand the position when our constitution is fully developed and we have it in our own language with all the appropriate words. Whether "Pradesh" is the right word or not, I cannot say. That is for the experts to decide and I will accept their decision. For the moment we are not considering that issue. We are considering what words should be brought into this present English draft of the Constitution and bringing in words which will undoubtedly sound as odd and inappropriate to any ears in India is not good enough. The use of the word in a particular context is foreign. One has to get used to it, especially in regard to the context, and the more foreign words we introduce, the more you make it look odd and peculiar to the average man. My own test would be not inputting up linguistic committees and scholars, but taking a hundred odd people from the bazaar and discussing the matter with them and just seeing what their reactions are. We talk in terms of the people but in fact we function often enough as a select coterie forgetting what the people think and understand. Obviously in technical matters you cannot go to the people for technical words, but nevertheless, there is an approach that the people understand. Therefore, I would beg this House to consider it from this point of view and maintain the normal English word in the English Constitution and later on consider the matter as a whole as to what other words in our language you will be putting in our own draft, which will obviously have an equal status. But putting it in this would be confusing, and looking at it from a foreign point of view, it would be very confusing because no one would be used to it and it would take a long time even to understand the significance of these changes. For myself I am clear that there should be no difference in the description of what is now a province and what is now a State. There should be a uniformity of description in the two. The proposal is that the word "State" should apply to both, and the second House, if approved, should be called the House of States.

There is another matter. This touches, whether we wish it or not, several other points of controversy in this House. They may be linguistic or call it by any other word. I think it would be unfortunate if we brought in those particular controversies in this way, as if by a side door. Those have to be faced, understood and decided on their merits. There is undoubtedly an impression that changes brought about in these relatively petty ways affect the general position of those issues. I think in dealing with the Constitution, we should avoid that. The

Constitution is a big enough document containing principles and deciding our political and economic make-up. As far as possible I should like to avoid those questions which, though important we could decide in the context of the drafting of the Constitution. Otherwise, what is likely to happen is that we shall spend too much time and energy from the constitutional point of view on irrelevant matters, although important, and the balance of our time and energy is spent less on really constitutional matters. Therefore, I beg the House not to accept the two amendments moved and to retain the word "State".

The Honourable Dr. B. R. Ambedkar: I oppose the amendment.

Mr. Vice-President: The question is:

"That in article 1 for the word "State" wherever it occurs, the word "Pradesh" be substituted and consequential changes be made throughout the Draft constitution."

I think the Noes have it.

Shri H. V. Kamath: I ask for a division.

Mr. Vice-President: It seems to me that the "Noes" have it. It is not necessary for me to call for a division. I have the power not to grant this request. I would request honourable Members to consider the position. It seems to be quite obvious that the "Noes" have it.

The Honourable Shri Ghanshyam Singh Gupta: I accept the position that the "Noes" have it.

The Honourable Pandit Jawaharlal Nehru: May I suggest that instead of making our requests, we could raise our hands. That would give a fair indication how the matter stands.

Mr. Vice-President: Does the Honourable Shri G. S. Gupta admit that the "Noes" have it?

The Honourable Shri Ghanshyam Singh Gupta: I accept the position that the "Noes" have it.

The motion was negatived.

The Honourable Shri Ghanshyam Singh Gupta: On a point of order, Sir, you kindly put my amendment to the House and it was lost but Mr. Kamath's motion must be put to the House formally.

Mr. Vice-President: It seems to me that Mr. Kamath's amendment is covered by yours. He wants deletion in particular parts but you wanted it everywhere.

The Honourable Shri Ghanshyam Singh Gupta: Mr. Kamath's amendment is lesser in scope than mine. If the House has not agreed to cent per cent, they might agree to five per cent.

The Honourable Pandit Jawaharlal Nehru: It will probably take less time, Mr. Vice-President, to put the amendment to the vote of the House and it is the proper procedure that it should be put to the vote of the House.

Mr. Vice-President: The question is:

"That in clause (1) of article 1, before the word 'Union' the word 'Federal' be inserted and for the word 'States' the word 'Pradeshas' be substituted."

The motion was negatived.

Shri H. V. Kamath : Sir, I beg to move:

"That in clause (1) for the word 'States' the word 'provinces' be substituted."

Shri B. Das: (Orissa: General): On a point of order, Sir, in view of the fact that the previous amendment has been rejected by the House this amendment would be out of order.

Mr. Vice-President: The only thing that has happened is the rejection of the word "pradesh".

Shri H. V. Kamath: My honourable friend Mr. B. Das rose to a point of order to the effect that this is not in order. The amendment that has been thrown out by the House is to the effect that the word 'Pradesh' be substituted for the word 'State', which does not rule out this amendment, viz., the substitution of the word 'State' by any other word, if the House so chooses. I have therefore moved my amendment that for the word 'State' in the article and wherever it occurs throughout the Draft in this context the word 'Province' be substituted. The formal amendment is that in this particular clause the word 'State' be replaced by the word 'Province'. When I moved my first amendment with regard to the word 'Pradesh' I made my position clear as to why I am against the retention of the word 'State'. I do not wish to repeat those arguments which I then advanced before the House. I might just recall them by saying that the word 'State' smacks of imitation as the word finds a place in the constitution of the U. S. A. Secondly the word 'State' has a bad connotation or bad odor about it, because of the association of the Indian States with the British regime which is now dead. I would therefore in all circumstances plead with this House the word 'State' should be eliminated at all costs and by all means and if the House is not in a mood to accept the word 'Pradesh' I would certainly entreat them to accept the word 'Province', as the lesser of the two evils. Our position today is that we have dispensed with or eliminated the old Indian States; and have we not already adopted the terms Himachal Pradesh and Vindhya Pradesh? We want to level them up to the position of the Indian Provinces and therefore in the new set up I feel that the word 'Province' is more happy and would express the meaning of the structure of the component units that we are going to set up in our country. Sir, I therefore move my amendment and commend it to the acceptance of the House.

The Honourable Dr. B. R. Ambedkar: Sir, I do not accept the amendment.

(At this stage Shri Himmat Singh K. Maheshwari rose to speak.)

Mr. Vice-President: The Honourable Dr. Ambedkar has already replied to the debate and I am sorry I cannot allow any further debate on the motion.

Pandit Hriday Nath Kunzru (United Provinces: General): Sir, if after every motion is moved by a member and you ask Dr. Ambedkar whether he agrees to it and after allowing him to express his views you debar other members from speaking on the subject, it will be very hard on the House.

Mr. Vice-President: I am afraid Pandit Hirday Nath Kunzru has not realised exactly my position. I am always prepared to give every possible facility to every member here, which I need not demonstrate further than by reference to what I have done in the last few days. But just now we are pressed for time. After Mr. Kamath moved his amendment I waited for some time to see if any body would stand up and nobody stood up and when specially I found that Mr. Kamath had repeated the arguments which had been formerly stated by him, I thought that I would not be going against the wishes of the House by asking Dr. Ambedkar the question whether he wished to reply. If I failed to understand the attitude of the House I am very sorry.

Pandit Hirday Nath Kunzru: You are perfectly within your right in not allowing discussion of a clause which you regard as trivial and on which you think there has been sufficient discussion. You have the power to stop discussion and ask the Member in charge to reply. If in exercise of this power you asked Dr. Ambedkar to reply, there can be no objection to what you have done.

Mr. Vice-President: Then I will put the amendment to vote. The question is:

"That in clause (1) of Article 1, for the word 'States' the word 'Provinces' be substituted."

The motion was negatived.

Mr. Vice-President: Amendment 108, Shri Mahavir Tyagi.

Shri H. V. Kamath: Division, Sir.

Mr. Vice-President: You are a little late.

Shri Mahavir Tyagi : Sir, I am not very keen to have all the words mentioned in my amendment inserted. I do not also want to make a speech and waste the time of the House. However, I want to make one point clear and with that end in view, I shall formally move this amendment:

"That in clause (1) of article 1, for the word 'States' the words 'Republican States and the sovereignty of the Union shall reside in the whole body of the people' be substituted."

In the Draft Constitution I find that the residence of sovereignty has not been described. Where sovereignty lies has not been definitely laid down. I want that this may go on record. I shall be content if the Honourable mover of the Constitution would place before the House either in connection with the Preamble or some other Article of the Constitution, an amendment which will clearly lay down that the sovereignty shall reside in the whole body of the people. The word 'State' has one meaning in one place and another meaning elsewhere. It will therefore not be satisfactory to say that the sovereignty should rest in the States. What does the Honourable Member suggest? Whether the sovereignty reside in the Union or in the States? From the Draft it is not clear. My amendment therefore seeks to lay down definitely where sovereignty resides or shall reside in future.

I want also to make one thing clear. If we remain in the family of the United Kingdom and remain attached to them, sovereignty will probably technically remain with the King. I want to save the country from that danger. I want to make it absolutely clear that the sovereignty virtually, technically and practically resides in the whole people.....

Mr. Vice-President: May I point out that the proper place for an amendment of this nature is the Preamble?

Shri Mahavir Tyagi: It is neither defined in the Preamble in so many words. I want that it should be clearly defined. I am a layman. I would like to know from the expert draftsmen whether the Preamble forms part of the body of the Constitution. Since the Preamble is not an Article of the Constitution, may I know if it comes in the body of the Constitution proper? Can Preamble always override the law? I don't think it does. What I want is that sovereignty should be defined in one of the Articles of the Constitution. The Preamble mentions only casually that we are constituting India into a sovereign union. From this my friends of the Drafting Committee draw the conclusion that the sovereignty resides of in the "people". That does not satisfy me. We cannot depend on the implication drawn. I insist that sovereignty should be defined in the body of the Constitution itself. I want that sovereignty should reside in the whole people of the country, and not in State or Union. State may only mean to be a sort of Governmental structure in the Centre, or it may include the people as well, or it may be only the union or one or more states. The Provinces will also be known as States hereafter. Let us therefore define in unambiguous terms the actual residence of sovereignty for future. I may submit that in the Constitution of China it is stated that the sovereignty rests in the whole people. We may lay down the same thing in our Constitution also. I therefore beg to move this amendment.

Shri Gopikrishna Vijayavargiya (United State of Gwalior, Indore, Malwa: Madhya Bharat): Mr. Vice-President, I come from an Indian State and I have a particular interest in this amendment, and I wish the House accepts it. There are also Indian States coming in as states in this Constitution, We do not want the Rajpramukhs and others to be there permanently. Of course, as the covenants have been signed, let them be there for some time. But, in the Constitution, we should lay down that even the common people can become heads of the provinces and States, and this will be one of the methods by which we will bring the States into conformity with the provinces. This is an important question. This issue must have been engaging the attention of the States Ministry. This is therefore a very urgent affair. Even before we finish our labours at Constitution-making, we must make all attempts to see that the States do come on par with the provinces. This amendment can achieve that object. Sovereignty is a very important power and, as has been pointed out, it has been laid down in the Chinese constitution also. So there is no harm in accepting this amendment. I request the Honourable Members to vote for it.

Prof. Shibban Lal Saksena (United Provinces: General): Mr. Vice-President, Sir, the amendment moved by Mr. Tyagi is a very important amendment. I have myself given notice of a similar amendment (No. 189) which runs as follows:

"That the following new Part be inserted after Part I and the subsequent Parts and articles be renumbered accordingly: -

Part I-A

General Principles

6. The name of the Union shall be BHARAT.

7. Bharat shall be a sovereign, independent, democratic, socialist Republic.

8. All powers of government, legislative, executive and judicial, shall be derived from the people, and shall be exercisable only by or on the authority of the organs of the government established by this Constitution.

9. The National Flag of Bharat shall be the tricolour of saffron, white and green of pure hand-spun and hand-woven Khadi cloth, with the Dharmachakra of Asoka inscribed in blue in the centre in the middle stripe, the ratio between the width and breadth being 2:1.

10. Hindi written in the Devanagari script shall be the National language of Bharat:

Provided that each State in the Union shall have the right to choose its own regional language as its State language in addition to Hindi for use inside that particular State.

11. English shall be the second official language of Bharat during the transition period of the first five years of the inauguration of this Constitution.

12. The National Anthem of Bharat shall be the "Vandemataram" which is reproduced in the Second Schedule.

[Note. - The subsequent Schedules be renumbered accordingly.]

13. The Arms of Bharat consist of the Three Lions above the pedestal and the Dharmachakra, as are depicted on the top of the Asoka pillar at Sarnath.

14. The capital of Bharat is the City of Delhi."

I personally think that this amendment should not be incorporated in this clause. There should be a separate Clause containing the substance of the amendment I have given notice of. In Chapter II they have defined sovereignty. In my amendment I have suggested how this should be put in. All powers of Government, legislative, executive and judicial shall be derived from the people and shall be exercisable only by one on the authority of the Government established by this Constitution. So, the sovereignty shall reside in the people and all powers of the State, legislative, executive and judicial, shall belong to the people.

Sir, my friend from the States just now pointed out that the matter is a very important one because, if we do not say here that the source and the fountain of all authority is the people, the theory that kings have got divine rights will continue. Therefore, it is important that it should be stated in the Constitution that it is the people who have sovereignty. Here in our country where the States have been a standing sore which we hope to wipe out very soon, I think this provision should find a place in the Constitution. I would request my learned friend, Dr. Ambedkar to say, when he replies to this amendment, that he accepts this principle, I hope he will find a suitable place for its insertion in the Constitution. On the Irish model, I suggest that the next chapter should contain definite provision relating to the name of the Union, its language and other things. It may be stated therein that all power of government legislative, executive and judicial, is derived from the people. I think this is an amendment of fundamental importance and as such I hope that it will not be rejected summarily and that Dr. Ambedkar will insert it in some suitable place in the Constitution.

Maulana Hasrat Mohani (United Provinces: General): Sir, I rise to support the amendment moved by Mr. Mahavir Tyagi for the reason that it conforms to the spirit of the Objectives Resolution of this House. Our Prime Minister has repeatedly stated that the Constitution should be in conformity with the Objectives Resolution not only recently but from the very beginning. He stated - I am reading from this printed book -

"We are not changing the Objectives Resolution at all. The Objectives Resolution is history and we stand by all the principles laid down in it."

May I remind my friend, Dr. Ambedkar, that when a Committee was formed to frame the Constitution, it was expressly mentioned that they will have to conform to the Objectives Resolution. Now Dr. Ambedkar has gone out of his way. He has not conformed to the Objectives Resolution and I request all of you to see what he has done. Instead of drafting the Constitution in conformity with the Objectives Resolution, he wants to make the Objectives Resolution conform to what he is proposing now. This Draft Constitution is a bundle of inconsistencies and is worth throwing only into the wastepaper basket. He has gone his own way and therefore all his efforts are only waste of time and energy.

Mr. Vice-President: Please confine yourself to the amendment, Maulana Sahab.

Maulana Hasrat Mohani: I support this amendment because it is strictly on the lines of the Objectives Resolution. Instead of conforming to the Objectives Resolution, Dr. Ambedkar has changed the word "Republic" into a "State" and the word "independent" into "Democratic". This shows the way his mind is working. The Draft Constitution makes me sure that he wants to establish a unitary Indian Empire which will again be subject to the greater Anglo-American Empire consisting of America and its satellites, the British Commonwealth and some of the Western Powers of Europe.

Mr. Vice-President: I will ask you again to confine yourself to the amendment.

Maulana Hasrat Mohani: Sir, I support the amendment of Mr. Tyagi and I oppose the whole Constitution. May be Dr. Ambedkar produced this Draft because as Law Minister he was asked to do it. But what he has produced is a wretched thing and therefore I think that he should make amends for the mistakes he has committed. With these words I support the amendment.

Shri Prabhudayal Himatsingka (West Bengal: General): Sir, I beg to oppose the amendment. It is absurd that an attempt should be made to put words here and there. The Draft Constitution is a complete framework and where sovereignty lies, what power is given to the executive and the legislatures, etc. have been defined by the different sections in it. To make an attempt to put in words here and there will be dangerous and if we accept such amendments, I think the whole Draft Constitution may upset and we do not know where we will be landed. Of course, if there is anything to be said on principle, that may be allowed, but to make verbal alterations in the Draft which has been considered by the Committee will mean a considerable waste of time and we should not accept amendments in this fashion.

Shri M. Ananthasayanam Ayyangar : I beg to oppose the amendment. In the preamble it is stated that "We, the people of India, having solemnly resolved to constitute, etc." We are the persons who have met to give a Constitution for

ourselves. Unless we are sovereign, we cannot give a Constitution for ourselves. Hitherto it was the Parliament in the United Kingdom that framed Constitutions. The fact that we have been elected by the various legislatures and come here for framing a Constitution shows that sovereignty is inherent in the people.

Shri Mahavir Tyagi: Of course we are here as a sovereign body. But what about the future? This sovereignty has been transferred to us by the British, why do you not vest it back with the people?

Mr. Vice-President: Allow him to proceed.

Shri M. Ananthasayanam Ayyangar: I will answer Mr. Mahavir Tyagi. We have not come here on adult franchise, but we represent three hundred odd million people and are gathered here to frame a Constitution for ourselves. If we are in a position to give a constitution on behalf of the people, it follows that in future the House elected on adult franchise representing larger interests, will be even more sovereign. From this it follows that sovereignty rests with the people. Therefore I cannot find any difficulty in leaving it as it is and no such introduction as is contemplated in the amendment is necessary. I would only draw the attention of the House to the preamble in the Constitution of the United States which says:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity....."

There are a number of articles in this Constitution. Later on the constitution was amended. The framers of the Constitution or the people of the United States who subsequently amended that constitution never said that there was a lacuna in the Constitution or that the sovereignty vested in themselves rather than with the people. Therefore, it is unnecessary. A doubt is created and to avoid that doubt an amendment is sought to be moved. There is another difficulty also. I want the sleeping dogs to lie. So far as the States are concerned, the States rulers in some places have been claiming sovereignty and we are trying to liquidate these rulers. Many of them have been liquidated, and these rulers have come into these States. In part III of the 1st Schedule the States are there with the rulers in some forms or other. The people are already beginning to assert themselves and the whole thing will disappear even on that ground. I do not want the clause to be inserted here as the amendment contemplates. It is enough to leave the Preamble to itself and to work itself. We are sovereign and in that capacity we have gathered here and we shall give unto ourselves a Constitution. It is unnecessary to create a ghost and then afterwards lay it. I oppose this amendment, Sir.

Shri Lokanath Misra (Orissa: General): Mr. Vice-President, Sir, one of the honourable members of this House has opposed this amendment on the ground that by the acceptance of this amendment, the whole structure and the whole scheme of the Draft Constitution will be changed. It seems to me that this is a bold statement and I will not like to digest a statement like this. This structure of the Constitution will be changed as if we are committed not to change it or we will abide by anything that will not change it. It seems to me therefore to be a dangerous statement to say that we will not accept because the structure of the scheme of the Draft Constitution will be changed. We are here to change it, if need be. Indirectly, it means also that the very basis, the scheme, or the structure of the Constitution is such that it militates against the very principle that underlies this amendment. If that is so, it is still more dangerous because

this amendment clearly says--and no more than that - the sovereignty of India rests in the whole body of the people of India.

Now, one of my friends has just said that it does really vest with the people of India and therefore it will not be necessary. I submit it is a sort of a hypocritical statement, because I remember to have heard Dr. Ambedkar, while he was speaking somewhere that this sovereignty rests with the Government of India and I want to make a difference between the Government of India and the people of India; they may be identical, they may be different. It might be that the Government of India will be supposed to be one thing and the people of India might be supposed to be another thing. They were so one day. Therefore, we must make it clear where, after our freedom, sovereignty vests. In the people of India? In the Cabinet? In the Government? In the President or somewhere else? I therefore think that to avoid this snag once and for all, we ought to declare that the sovereignty vests in each one of the citizens of India and for that purpose at least this amendment is very appropriate. I do not want to insist that this amendment should be passed and put in here, but it must be clear that there need be no reservation in the minds of us that sovereignty does not lie in each one of the citizens of India. I therefore support the spirit of this amendment and reiterate that really India's sovereignty vests in each one of her citizens, however high or low, pandit or no pandit, fool or wise; it belongs to the people, each one of them, once and for all.

Mr. Vice-President: I shall now put this amendment to vote.

Shri Mahavir Tyagi : Mr. Vice-President, Sir, in view of what the learned draftsman has said namely that the sovereignty remains vested, in spite of this draft, in the people, I do not wish to press my amendment. I hope, Sir, Dr. Ambedkar agrees that his draft means that it vests with the people, and his explanation may well go down into the records for future reference.

The Honourable Dr. B. R. Ambedkar: Beyond doubt it vests with the people. I might also tell my friend that I shall not have the least objection if this matter was raised again when we are discussing the Preamble.

Shri Mahavir Tyagi: Then I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

"That in clause (1) of Article 1, after the word States' the words `equal inter se' be added."

In commending this amendment to the House, I would like to express my gratitude to the Chairman of the Drafting Committee for giving us a new version of what the Constitution is intended to be. It was somewhat new, to meat least, to hear that a Constitution is a mechanism for regulating the various organs of Government and their functions; and that any desire to include in it any aspiration of the people might be regarded as somewhat out of place. I am grateful for this view of the matter, as in future I shall conduct myself in my amendments and in my speeches accordingly. I must, however, add that when reference is made to the chapter on the Directives I can assure Dr. Ambedkar that I too have read them, though perhaps not with as much frequency and intensity with which he may have read it. The 'Directives' are, in my opinion, the vaguest, loosest, thickest smoke-screen that could be drawn against the eyes of

the people, and may be used to make them believe what the draftsmen never intended or meant perhaps. When those matters are brought before the tribunals for adjudication or arbitration, they might not be interpreted in the sense the people might believe those clauses to convey.

In proposing this particular amendment, Sir, I have no illusion about the actual state of affairs. In the States today, including both - what are called the Provinces and which have still to be called the States proper - I realise there is no equality, of population or possibilities, area or resources.

But I also recognise that even if equality of political status does not exist today, we have, at any rate, to strive towards a state of affairs in which they would really and truly be equal amongst themselves, as members of a Common Federation. If this Union is to be a true federation, as we are assured it is going to be, if this Union is going to be a democratic federation, as we have also been promised again and again, then, I suggest that it is of the utmost importance that the constituent parts of the Union should be and must be equal amongst themselves.

This equality, I may assure the House, does not exist, and need not consist in area or population, in revenue or resources, in industrial or educational development. Unfortunately, we are all aware that the various parts of this country, politically divided or geographically demarcated, are not all equally developed and advanced. It must be the first task of the Union to see that those who have, for no fault of theirs, lagged behind, shall not continue to remain backward, and those who have had, for some Adventitious reasons, some advantage over others and moved forward more than others, shall also not be so selfish as to insist upon retaining their position and keeping those who are backward still lagging behind. The country cannot progress, the ideals we have all in view regarding the future growth and prosperity of this country will not be realised, if any single part of it is not able to pull its full weight in the advance of the country. That is one reason why I suggest that we must, here and now, insert in the Constitution is properly framed and working, the units shall be regarded as politically equal amongst themselves. I mean equal politically, in the sense that if one unit, however large it may be has the power of taxation of a certain kind, other units, however small, shall also have that power; if one unit has the right to maintain and use its own police force, the others also would have it; if one unit has the right to maintain its exclusive army, then another unit also shall have it. This being my conception of equality of States *inter se*, the existing differentiation between those which have been called provinces and between those which have been called States, those States which have merged and those which have acceded will have to be abolished at the earliest opportunity, even though today it may be an unfortunate fact of our position.

This is not the only reason which actuates me inputting forward this suggestion before the House. I look forward to the day when this Union of India shall consist of a body of Village Panchayats, knit together amongst themselves as co-operative republics, which will combine together not only for the greater advancement of their own inherent resources, but also for the greater prosperity of the country as a whole. In this view of the destiny of this Union, in this view of the position and potentiality of each component part of the Union, I think it would be the greatest hindrance if any one is politically considered, or socially regarded as unequal to others. If it is thought that some only should have the leadership while the others have the destiny of always being followers, it would be, I repeat, an untold disaster to the country. Just as we are resolved and are all agreed that we shall have amongst ourselves, as citizens or individuals, equality before the

law, just as we have thought that all distinctions of caste and creed shall disappear from the face of this land, so also, I submit, that this country must consist, as soon as we can manage it, of equal units, equal parts of the federation, each anxious, each competent, each equipped with the utmost possible means for development of the resources and the possibilities inherent in it; each also intent upon and each also willing to co-operate in the strengthening and development of the entire country, to the best of its possibilities. We have many parts in this country which are admittedly very backward in all kinds of material or moral development. It is towards them, it is for them, that I feel it necessary to insist that if they are non-equal *inter se* today, they shall be made equal at the earliest opportunity.

For this reason, the motion that was made just before, regarding the republican character of every component part of the Union, meets with my highest and heartiest approval. All these remnants, all these absurdities of economies, and all those anachronisms of history which are embodied in the so-called Ruling Princes, must disappear. It is only when we have got rid of these autocrats and plutocrats that we shall be able to design a humane and reasonable Constitution and try to attain the aims of life, which our great Teacher has placed before us.

It is for the same reason also that I have, in another part of this Constitution, tabled an amendment to the effect. I hope, Sir, that hereafter, at any rate, the Union of India shall consist of villages or groups of villages, which are each in themselves autonomous units, which are each in themselves republics, and each, if necessary, with the right to co-operate with their neighbours, so that as a result of their combined and collective effort, the Indian people just emerging from political bondage and economic slavery, may soon attain their rightful place in the role of the nations, and make their effective contribution to the progress of mankind.

I commend my amendment to the House.

Shri H. V. Kamath : Mr. Vice-President Sir, I rise to support the amendment moved by my friend Professor Shah. In view of the fact that the House has not accepted the qualifying word 'federal' for the word Union, I think it is necessary for us to define the status of the States. As my friend remarked, the provinces or States or Chief Commissioners' provinces certainly are not equal amongst themselves. Therefore, for the sake of clarity, for the sake of accuracy, for the sake of precision in constitutional terminology, it is essential for us to define the relationship or status of the States as between themselves. Therefore, the amendment of my friend Professor Shah is very apposite in my estimation. In a Constitution of this sort, which is essentially, as the footnote on page 2 says, federal in structure, there should not be one State superior to another, or one State inferior to another. There should not be any one State which may be called *primus inter pares*, that is first among equals. We should avoid this in the future constitutional set up. Obviously, it is necessary for us to define that all the States as amongst themselves should be equal. All the States should have only an equal status amongst themselves. If at all there is a superior State or Government or a mechanism, it is the mechanism of the Union Government. That is, if I may say so, it may be a super State or a supra State so far as India is concerned. So far as the States themselves are concerned, they should be absolutely equal amongst themselves. I therefore support the amendment of my friend Professor Shah to the effect that India shall be a Union of States which are equal *inter se*.

Shri M. Ananthasayanam Ayyangar: Sir, I am not able to follow either the mover or Mr. Kamath who supported him. If we accept the amendment, it means that India shall be a Union of States equal inter se. What is this equality? Is it in extent or area or population or economic resources? In what are they to be equal?

An Honourable Member: States.

Shri M. Ananthasayanam Ayyangar : What are the States? So far as representation is concerned, most of the States in Part I of the First Schedule are equal; there is no difference made between the one and the other. So far as the States in Part III of the First Schedule are concerned, they have come in by certain agreements. We have accepted the agreements and until we are able to revoke the agreements or introduce different sets of agreements, we cannot make them equal. Even amongst ourselves, in all the Provinces or States which are included in Part I of the First Schedule, there cannot be an equality of the kind envisaged. This is absolutely an indefinite amendment. So far as the States are concerned, according to the population they have representation both in the Lower and Upper Houses. Therefore this amendment is understandable, vague and impractical and ought not to be accepted.

The Honourable Dr. B. R. Ambedkar: Sir, I oppose the amendment.

Mr. Vice-President: I put the amendment to vote.

The amendment was negatived.

Mr. Naziruddin Ahmad : Sir, I beg to move:

"That at the end of clause (1) of Article 1, the following be inserted:

' and shall be known as the United States of India'."

Sir, this is a non-controversial amendment. It gives a bigger, a more dignified and a more sonorous name to the Union. If any precedent is needed we have it in the "United States of America". I submit that in order to keep the balance between the Western hemisphere and Eastern hemisphere we should adopt this expression in India. India is the leading country in the East and we should have a very dignified name. As I have submitted it is a non-controversial amendment, and I ask the House to consider it on the merits.

The other amendment is an alternative to this. I move:

"That at the end of clause (1) of Article 1, the following be inserted:

'and shall be known as the Indian Union'."

Sir, I submit these are three alternatives. I would prefer the first but it all depends on the House as to what it thinks about them.

Shri H. V. Kamath : Sir, I rise to oppose the amendment Nos. 10 and 112. As regards amendment 110 the very argument that my friend advanced that we have a precedent in the United States, is itself an argument against accepting it, in my judgment. He said something to the effect that there should be a meeting of East and West or some words to that effect. I certainly stand for harmony, a

synthesis of the East and West, but I certainly do not want any hybrid development. The amendment which my Honourable friend has moved before the House seeks to bring about such a hybrid development between the East and West and we do not want to be suspected at this stage when we are pursuing or supposed to be pursuing a neutral foreign policy. We do not want the faintest indication to be made here in this House that we are going to copy either the U. S. S. R. or U.S.A. As regards U. S. S. R., there is no effect or influence in this Constitution and as regards U.S.A., precisely because this will smack of copying the U.S.A. Constitution, I oppose this amendment which seeks to add "shall be known as the United States of India".

As regards No. 111. I support the amendment and we will thereby be eliminating or removing that hateful word 'State'. Just now the House was pleased to throw out that amendment and I do not want the 'State' to come in by the back-door again in describing the structure of the Indian Union and therefore I would support my Honourable friend Mr. Naziruddin Ahmad in referring to India as the Union of India.

As regards No. 112, once we accept the words 'Union of India' there is no need to consider the third amendment. I think from the point of view of language, sound and its reaction on the ears, the Union of India is a much more dignified expression than Indian Union. I therefore oppose 110 and 112 and support 111.

The Honourable Dr. B. R. Ambedkar : Sir, I oppose all these amendments. With regard to the first amendment that India should be known as the United States of India, the argument set out by my friend Mr. Kamath is a perfectly valid argument and I accept it wholeheartedly. I have given my own views as to why I used the word 'Union' and did not use the word 'Federation'.

With regard to the other amendment that India should be known as the Union of India, I also say that this is unnecessary, because we have all along meant that this country should be known as India. without giving any indication as to what are the relations of the component parts of the Indian Union in the very title of the name of the country. India has been known as India throughout history and throughout all these past years. As a member of the U. N. O. the name of the country is India and all agreements are signed as such and personally I think the name of the country should not in any sense give any indication as to what are the subordinate divisions it is composed of. I therefore oppose the amendments and maintain that the Draft as it is presented to the House is the best so far as these amendments are concerned.

Mr. Vice-President: I shall now put the amendments one by one to vote.

Mr. Naziruddin Ahmad: Sir, I beg to leave to withdraw the amendments.

The amendments were, by leave of the Assembly, withdrawn.

Mr. Vice-President: Amendment No. 113.

Mr. Naziruddin Ahmad : I am not moving 113.

But I am moving 114. Sir, I beg to move.

"That in clause (2) of Article 1, the word 'The' occurring at the beginning be deleted."

Sir, this part really tries to define the words "The States". I submit the word 'The' is a definite article and not a part of the name or nomenclature. Though the word has been used in this context, the word has been used also in other combinations like 'A State' 'Any State' 'Every State' and all sorts of States.

The Honourable Dr. B.R. Ambedkar: Sir, I raise a point of order. My point of order is that this is not an amendment. Unless it changes the substance of the original proposition, it is not an amendment. I am trying to find out the reference in May's Parliamentary Practice. But I would like to raise this point at this moment. If my friend will forgive me, I think he is in the habit of moving all sorts of amendments, asking for a comma here, no commas there and so on and I think we must put a stop to this sort of thing in the very beginning.

Mr. Naziruddin Ahmad: On the very threshold of independence, if I am to be stopped like this, I shall bow down and submit to the decision of the Chair.

Mr. Vice-President: What is your reply to the point of order?

Mr. Naziruddin Ahmad: My reply to the point or order raised is this. I want to remove the word "The" from the article and therefore it is an amendment. This is certainly a drafting amendment. It may be opposed on the ground that it is insignificant, illogical or purposeless or useless and so forth. But Dr. Ambedkar is not right in asserting that it is not an amendment at all. It cannot be ruled out on the technical ground that it is not an amendment.

And with regard to my Honourable friend's remarks as to my habit of moving amendments like punctuations and other changes, I am happy to inform him and the House that I have ceased to follow that habit so far as this amendment is concerned. *(Laughter)*.

Mr. Vice-President: You say it is a drafting amendment. Can't we leave it to the Drafting Committee and its Chairman for seeing to it at the third reading? I am sure they will accept these amendments if there is any substance in them.

Mr. Naziruddin Ahmad: In that case, it would be leaving the matter to the Drafting Committee, instead of leaving it to the judgment of the House. The spokesman of the Drafting Committee has already given out his mind. Therefore, if I were to agree to leave it to the Drafting Committee, it would be as good as withdrawing it. Therefore, I have to submit, again, that the word "The" is not part of the name.

Mr. Vice-President: I am waiting to hear Dr. Ambedkar on this point.

The Honourable Dr. B. R. Ambedkar: Sir, I do not know why the Honourable Members objects to the word 'the'. 'The' is a definite article, and it is quite necessary, because we are referring to the States in the Schedule. We are not referring to States in general, but to certain specific States which are mentioned in the Schedule. Therefore the definite article 'the' is necessary. It refers to the definite States included in the Schedule.

Secondly, I would like to submit this, it would be wrong - and I speak about myself - for any Indian to presume such precise command over the English language as to insist in a dogmatic manner that a comma is necessary here, a semi-colon is necessary there, or article 'a' is proper here and article 'the' would be proper there and so on. But if my friend chooses to arrogate to himself the

authority of a perfect grammarian so far as English is concerned, I would like to draw his attention to the Australian Constitution from which we have borrowed these words and the definite article 'the' is used there. So I take shelter or refuge under the Australian Constitution which, I suppose, we may take it, was drafted by men who were good draftsmen and who knew the English language and whom we cannot hold guilty of having committed an error in the language.

Mr. Vice-President: I put the amendment to vote.

The amendment was negatived.

Mr. Vice-President: Amendment No. 119, Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad: Sir, I beg to move:

"That in sub-clause (c) of clause (3) of Article 1, after words 'as may' the word 'hereafter' be inserted."

Sir, I have moved this amendment after, I believe, taking great risks of having to displease the Honourable Chairman of the Drafting Committee. But I have to submit most respectfully that things which occur to Members should be placed before the House and the opinion of the House should be taken. If I have offended any member by moving.

Mr. Vice-President: There is no question of offending any one.

Mr. Naziruddin Ahmad: Sir, I beg to submit that the context indicates the word "hereafter" that is, States which may hereafter be acquired. So the word 'hereafter' would be appropriate and I beg the House to consider insertion of this word.

The Honourable Dr. B. R. Ambedkar: I say it is quite unnecessary, and I oppose it.

Mr. Vice-President: I put the amendment to vote.

The amendment was negatived.

Mr. Vice-President: Tomorrow, I understand, is a bank holiday. So we postpone further consideration of this to Wednesday 10 O'clock. We start from amendment No. 126.

The House then adjourned till Ten of the Clock, on Wednesday, the 17th November, 1948.

[Translation of Hindustani speech.]

CONSTITUENT ASSEMBLY OF INDIA DEBATES (PROCEEDINGS)- VOLUME VII

Wednesday, the 17th November, 1948

The Constituent Assembly of India met in the Constitution Hall, New Delhi, at Ten of the Clock, Mr. Vice-President (Dr. H. C. Mookherjee) in the Chair.

TAKING THE PLEDGE AND SIGNING THE REGISTER

The following Members took the pledge and signed the Register:

1. Shri B. H. Khardekar (Kolhapur State).
2. Shri A. Thanu Pillai (Travancore State).

DRAFT CONSTITUTION-*contd.*

ARTICLE 1-*contd.*

Mr. Vice-President (Dr. H. C. Mookherjee): We shall now go on with the amendments. Amendment No. 126 - Prof. Shah.

Prof. K. T. Shah (Bihar: General): Mr. Vice-President, Sir, I beg to move:

"That at the end of sub-clause (c) of clause (3) of article 1, the following be added:

or as may agree to join or accede to or merge with the Union'."

The clause, as amended, will read:

"such other territories as may be acquired or as may agree to join or accede to or merge with the Union."

I think this is a very simple amendment. It tries to include within the territories of the Union not only those which are at present in it, or which, under the provisions of this Article, come under its scope; but also those which after the Constitution is passed may agree to join, or accede to, or merge with, the Union. I confess that I am not very enamoured of the term 'acquired'. I do not suggest that acquisition is necessarily by conquest. I agree that acquisition may take place by other means than conquest. I have, therefore, not suggested any alteration of the word "acquired".

At the same time, however, I feel that the term is not sufficiently inclusive. It does not take account, for instance, of the addition to the territory by voluntary agreement, or by accession of States, which, at the time the Constitution is passed, had not yet acceded and/or were not merged with the Union. I have in mind two particular instances which have led me to table this amendment. There are neighbouring territories even today which are independent States, with which, however, we have much affinity. They may find in a closer union with us much greater chance of their own advancement or prosperity; and as such it is

possible that they also may like to join this Union, and take all the benefits that joining with such a great State, with such resources as we have, may bring to them as well. There is in this suggestion no intention of coercion or conquest by any use of force, or aggressive designs upon any neighbouring territory, in an amendment of this kind. This is only a provision that, without any necessity to amend the Constitution, if some such contingency arose, we could simply under the existing provisions accept the joining or accession of such States as today are independent, sovereign States in their own name, in their own right; and which may yet feel the necessity of much closer union than any treaty or alliance may provide. I trust, therefore, that this provision which is only permissive and facilitating the joining of other States, will find no objection in any part of this House.

Then there is the accession of States, which, at the time I put in this amendment, had not acceded to the Union. Everybody would understand the example I have in mind. Even now I am not clear whether that particular State has, in point of technical, constitutional law, actually acceded to the Union even today. Whatever that may be, here is a provision that the territories of the Union will include also such a State if and when it accedes.

The third contingency is of merger. This contingency of States completely identifying themselves to the point of sacrificing their own identity and becoming part and parcel, integral units, of this Union should I suggest also be provided for so that in the long run the Union should consist of parts which I hope would be equal *inter se*, making the components of the Union.

These three contingencies I have sought to provide for by this amendment, *viz.* States joining voluntarily, States acceding - which have not yet acceded, and States becoming merged in the Union, may arise at any time; and so I do not think this amendment will in any way be objectionable in any part of the House. The merger problem is ticklish, rather delicate, and we do not yet know what final shape this great development will take. But whatever that shape may be, the integrity of the Union, the integral association, if I may put it that way, of States which are still retaining somehow their separate identity, will help to make this Union territory much more uniform under single jurisdiction and the parts thereof much more equal *inter se* than is the case today. On these grounds, therefore, Sir, I think this amendment ought to commend itself to the House.

The Honourable Dr. B. R. Ambedkar (Bombay: General): Sir, I oppose the amendment.

Mr. Vice-President: The question is:

That at the end of sub-clause (c) of clause (3) of article 1, the following be added: -

"or as may agree to join or accede to or merge with the Union."

The motion was negatived.

Mr. Vice-President: As regards the next amendment, No.127, standing in the name of Sardar Hukam Singh, I do not think it arises out of Article 1. It may be discussed at the proper time and place.

I think the same objection applies also to amendment No. 128, standing in the names of Shri B. A. Mandloi and Thakur Chhedi Lal. It can be discussed hereafter.

Now we come to amendment No. 129. Professor K. T. Shah.

Prof. K. T. Shah: Mr. Vice-President, Sir, this amendment which stands in my name is as follows:

"That the following proviso be added to article 1:

'Provided that within a period not exceeding ten years of the date when this constitution comes into operation, the distinction or difference embodied in the several Schedules to this Constitution and in the various articles that follow shall be abolished, and the member States of the Union of India shall be organised on a uniform basis of groups of village Panchayats co-operatively organised *inter se*, and functioning as democratic units within the Union'."

This also is part of the general idea I am trying to propagate. It tries to realise the ideals which I hope will commend themselves to the House, namely that, in the long run, this Union must consist of locally autonomous units, equal *inter se*, which will be the strength as well as the salvation of this country in my opinion.

Sir, it appears to me that in the various Schedules as well as in the various articles that follow, there is an obvious distinction between not only the old-time Provinces as they were called, but the old-time States whose designation is now sought to be applied to all the Members of the Union which are amongst themselves clearly not on an equal footing.

Now, there may be reasons why at the present time it is not possible to make them all, with one stroke of the pen so to say, equal by themselves and amongst themselves. I recognise the difficulty. I notice, however, that even in the Constitution, and in the reports of the Experts Committee and others, the intention obviously is to see that even though at the present time there may be these difficulties, within a given period- I have given here the period of ten years - within a given period these differences, should disappear, and the country reorganised on a uniform basis. These differences, at the present time, hinder not only the uniformity of jurisdiction of authority and of working but I suggest it will also impede the developing of the country for lack of this very uniformity. Whatever, therefore, may be the heritage of the past, and whatever may be the restricting, conditioning factor of today which compels us to recognise these inequalities between the member States, I suggest that we must make up our mind, and this Constitution should provide that these differences, these inequalities, these variations, must disappear, and that too within a pre-determined, within a given period of ten years.

The ten-year period suggested is sufficiently long not to cause any difficulty in smoothing away the present differences. The ten year period would be sufficient to readjust the tax systems, the ten year period would be sufficient to readjust if necessary the judicial systems, the legal and fiscal systems, the ten year period would be sufficient to readjust all differences in communications, transport, and other common factors which at the present time do cause a great deal of variation, and, in my opinion, a great deal of hardship, impediment and heart-burning as between the various units. To give you but one instance, it has been recently held by many people that the existence of the States as independent jurisdictions leads to considerable evasion of taxation; or, what is worse, that it leads to an artificial attraction of industry from one area into another, where the

taxes are believed to be lower or where other facilities for the growth of industry are easier or greater. These arise not from the inherent qualities, resources, or peculiarities of those regions; these arise not from the natural differences that cannot be abolished by human effort; they arise simply and solely because there are varying jurisdictions, which permit all these differentiations to go on accumulating.

As I have already suggested, their presence is bound to work against the best long range interests of the country, which seeks to march forward, which seeks to make a uniform plan for all-round development within a given period. And therefore it is but right and proper that we should try and eliminate these traditional differences, so that within the stated period we should attain the goal that we have in view.

I have already stated that these differences are of human creation. They are legacies of the past. But as these are impediments in the way, they must be removed at the earliest opportunity. The period of ten years is long enough for making constructive efforts to readjust and make more or less uniform the various units that compose the country as between themselves.

In trying to reconstruct and readjust these various units, I have further suggested that they should be re-organised. The moment we have an opportunity to do so, we must re-organise them into autonomous village groups, which would have more natural geographical affinity amongst themselves and more economic sympathy amongst themselves than happens to be the case in the *ad hoc* creations which we call either provinces or States.

We have in this regard a burning problem already causing considerable amount of difficulty in the construction of the units or provinces on what is called linguistic basis. The constitution of the provinces on a linguistic basis is not by itself a guarantee that the intrinsic unity of each region or group will be properly developed; and, what is more, that the principle of democratic self-government of the people, by the people, for the people, would be equally promoted, if these various units are reconstructed on any other basis but that of local unity, local affinity, and local identity of interest. It is for that reason that I am suggesting the regrouping, the reconstruction and the re-adjustment on a village basis.

The constitution of the villages on a co-operative basis, enabling them to make common cause, make of them sort of internal republics so to say, - *imperium in imperio*, if I may use the expression, - would be the best guarantee for the development that we have in view. They would be able to take note of the local resources, the local talent, and the local possibilities much better than any distant Government, like the one at the Centre or even at the provincial headquarters even of the size that many of them in our country are.

Sir, remarkable is the emphasis that our great leaders have laid upon the re-vitalisation of the villages. As such I think I am following very honoured footsteps, if I put forward this ideal before you, and invite you to consider the possibility of re-developing the State in the only manner in which in my opinion it can be assuredly developed, *e.g.*, on the basis of co-operative village reorganisation, forming groups sufficiently strong and big to enable them to progress among themselves, and realise the ideal of a better standard of living that we have been hoping and striving for all these years. I commend this proposition to the House.

Shri M. Ananthasayanam Ayyangar (Madras: General): Sir, I agree with the suggestion that, early or late, we must re-organise this country on a system of village panchayats. But today there are not such panchayats. That being so, if today we are told that within a period of ten years, to be provided for in the Constitution itself, all distinction should be abolished, it would not be a practical proposition. Myself and Professor Ranga have given notice of an amendment to the Directive Principles to the effect that the State shall take care to see that village panchayats are re-organised and re-established every-where, so that, as far as possible, in the interests of democracy, the villages may be trained in the art of self-government, even autonomy. In that way there may be development of villages. But, in the substantive portion of the Constitution itself, to say that the distinction between State and State should be abolished and the whole country re-organised on the village autonomy basis, is a different thing. We cannot do this immediately. The villages are unfortunately torn by factions and there is nothing like responsibility there now. Under the circumstances I do not want to say anything more than what Dr. Ambedkar has said. He is a bit too pessimistic; I do not agree that we can never reform the villages and develop them for self-government. We must be able to reform the villages and introduce democratic principles of government there. It will all take time. Therefore, now to say that all the existing differences should be abolished at once, is too much to accept. We also expect that, with the indefatigable energy shown by Sardar Patel, the distinction between the States and Provinces will automatically disappear. But let us not rush matters too much. The differences are disappearing fast and popular Governments are coming into existence everywhere. At this rate I am sure that before ten years elapse there will be no difference between either Prof. K. T. Shah or any one sitting on the other benches as regards the ultimate goal that we should reach.

The only question is about the method and pace with which this object should be achieved. I would appeal to him not to press the amendment. We are all engaged on the common task of attaining the absolute sovereignty of the people including those in States. We must devise different methods to suit local needs and conditions. This country will ultimately consist of a number of village republics, autonomous as far as possible, knitted into a number of State with a Union at the Centre. We do derive all authority from the people who must be trained in the art of government and the responsibility must flow from them. But this amendment is premature. I therefore request Professor Shah not to press his amendment. If he does not do so, I am sorry I shall be obliged to oppose it.

Prof. Shibban Lal Saksena (United Provinces: General): Sir, in this amendment, Professor Shah has enunciated two important principles: one is that after ten years he expects the Government of India to attain a particular shape and hopes that it shall be organised on the basis of groups of village panchayats, organised *inter se*, and functioning subordinately to the Union. Sir, with these two principles I think most Members will agree. I have myself given notice of certain amendments wherein I have stated that after ten years, many of the principles embodied in the Constitution would be in operation and would have the force of law. Similarly, also we have provided elsewhere in our amendment that the present system of village administration should be organised on the basis of village panchayats. It was pointed out to the House the other day that we want the Republic of India to be based on small village republics having autonomy. But I do feel that the law as it stands here is vague and should be amplified. Therefore I suggest that instead of putting this in this omnibus form, Mr. Shah should bring in amendments to the various clauses where these should be inserted. I personally agree with the two principles, firstly, that the distinction embodied in the several schedules should be abolished, and secondly, that village

panchayats should find a place in the Constitution and that everywhere a uniform method of forming village panchayats should be adopted. In fact in the Gandhi an Constitution which is proposed by Professor Aggarwal, he points out that Mahatma Gandhi wanted that there should be village republics. He envisaged that for about every 20,000 people there should be a panchayat and these units should elect the Taluk panchayats and the district panchayats. I agree that these panchayats should find a place in the Constitution and should also have some voice in the election of the Upper House, but I think in this place it is not proper to say that the distinction embodied in the schedules should be abolished. That, I think, is going too far, apart from its being very vague. Instead of this, I would suggest that Mr. Shah should table amendments to the various schedules when they are taken up. I hope Mr. Shah will not press his amendment.

Maulana Hasrat Mohani (United Provinces: Muslim): Sir, I beg wholeheartedly to support the amendment proposed by Professor Shah where he says that the member States of the Union of India shall be organised on a uniform basis of groups of village panchayats co-operatively organised. I would like to go a step further and say that instead of making the village panchayat a unit, we should make a village Soviet as the unit of our Constitution. It will not be out of place to point out to you that I approached Mahatma Gandhi and presented to him the Soviet Constitution and discussed with him all the points contained in that Constitution. He agreed and at least accepted two principles of that Soviet Constitution. One of those two principles was, "No work, no vote". The second thing was that our unit must be a village Soviet and he said that the Constitution of the Soviet was quite similar to the Constitution of the All-India Congress Committee here, as we have got village Congress Committees which elect representatives to the Tehsil Congress Committees; the Tehsil Congress Committees elect their representatives to the District Congress Committees, the District Congress Committees to the Provincial Congress Committees and the Provincial Congress Committees to the All-India Congress Committee. The same process has been adopted by the Soviet Constitution. Every village there is a self-sufficient Village Soviet. It sends its representatives to the higher Soviets. If we give up this idea of the village panchayats and accept the village Soviet as our unit, all these absurdities which exist in the Constitution by way of provision for minorities, etc. will disappear. With this suggestion, I wholeheartedly approve and support the amendment proposed by Professor Shah.

The Honourable Dr. B. R. Ambedkar: I oppose the amendment.

Mr. Vice-President: I will now put the amendment to the vote. The question is :

That the following proviso be added to article 1: -

"Provided that within a period not exceeding ten years of the date when this constitution comes into operation, the distinction or difference embodied in the several Schedules to this Constitution, and in the various articles that follow shall be abolished, and the member States of the Union of India shall be organised on a uniform basis of groups of village Panchayats co-operatively organised *inter se*, and functioning as democratic units within the Union."

The amendment was negatived.

Mr. Vice-President: The next one is number 130. Mr. Mandloi.

Shri B. A. Mandloi (C. P. & Berar: General): Sir, I am not moving it.

Mr. Vice-President: Let us now go back to the amendments which we did not take into consideration on Monday. No. 83.

Shri M. Ananthasayanam Ayyangar: I suggest that these may be allowed to be held over and that article 1 may be put to the vote now.

Mr. Vice-President: Please allow me to proceed. No. 83 deals with script and language. This may be discussed at the proper time when we discuss the question of language and script under article 99. Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad (West Bengal: Muslim): Sir, I move:

"That at the beginning of the heading above article 1, the word and Roman figure 'CHAPTER I', be inserted."

Sir, I submit this raises an important question of drafting. Honourable Members will find that in the Draft Constitution chapter numbers are not continuous. There are many places where there is no chapter number but there are some cases where there are several chapters and they are numbered separately. The result of this is some amount of confusion. If we number the chapters consecutively apart from the Parts to which they appertain, the advantage will be that, if we refer to a particular chapter, it will be enough indication of the chapter belonging to that particular Part. If we however retain the existing numbering, the result would be that we have to say Chapter I of Part III, Chapter III of Part IV, etc. I submit, Sir, it would be more advantageous to adopt running chapter numbers in the Draft Constitution. That would be highly advantageous from a practical point of view. Sir, I have before me many samples of Indian enactments. The practice in India has been uniform in this respect, though I must point out so far as the existing Government of India Act is concerned, the present draft follows the practice in England. There is in that Act no contiguous running chapter numbers as in Indian practice.

Coming, Sir, to the various enactments, with which everybody is familiar, namely, the Civil Procedure Code, the Criminal Procedure Code, the Evidence Act and all other Acts, Members will find that these Acts are divided into several parts. The chapter numbers are not individually and separately numbered and although there are several parts, the chapter numbers are continuous. The result is an enormous simplification in the matter of citation. In the Criminal Procedure Code and in the penal Code and in other Acts, we refer to certain chapter number without reference to the parts to which they belong. I submit this is the universal practice in India. There are many other Acts which are divided into Parts but the chapters bear running numbers. Considered, therefore, from the point of view of established practice in India and the point of convenience in the matter of citation, I think the chapters, irrespective of the Parts to which they belong, should bear consecutive numbers. This is a matter of convenience and I thought it my duty to place my views before this House. With these few words I commend my amendment to the acceptance of the House.

The Honourable Dr. B. R. Ambedkar: Sir, I oppose the amendment.

Mr. Vice-President: The question is:

"That at the beginning of the heading above article 1, the word and Roman figure 'Chapter I', be inserted."

The motion was negatived.

Mr. Vice-President: I find that so far as item No. 85 is concerned the first part of it may be moved as the other portion has been disposed of already. I therefore call upon Mr. Lokanath Misra to move the first part.

The Honourable Pandit Govind Ballabh Pant (United Provinces: General): Sir, I move that we now pass on the Article 2 and postpone discussion on the remaining amendments to Article 1. So far we have not been able to reach unanimity on this important point. I am not without hope that if the discussion is postponed, it may be possible to find some solution that may be acceptable to all. So, nothing will be lost. After all we have to take the decision, today, tomorrow or the day after: nobody will suffer thereby, but if we can find something that satisfies everybody, I think the House will feel all the stronger for facing the tasks that lie ahead of it. I hope there will be no difference of opinion on this point and I do not see why there should be any opposition from any quarter. After all, we will take the decision. Nobody else is going to add to or diminish the strength of any section or of any group here, and we are not here as sections or groups. Everyone of us is here to make the best contribution towards the solution of these most intricate, complicated and difficult problems and if we handle them with a little patience, I hope we will be able to settle them more satisfactorily than we would otherwise. So, I suggest that the discussion on the rest of the amendments to Article 1 be postponed.

Shri H. V. Kamath (C. P. & Berar: General): Mr. Vice-President, Sir, I appreciate the arguments that have been advanced by my honourable Friend, Pandit Govind Ballabh Pant. I only wish to know from you, Sir, for how long a time these amendments Nos. 85 to 96 both inclusive are going to be held over. It will create, I submit, Sir, a very bad impression in the outside world and in our own country, if we go on postponing the consideration of the amendments dealing with the very first word in the very first clause.

Honourable Members: No, no.

Shri H. V. Kamath: And if we go on postponing the consideration of these amendments indefinitely, it would certainly create a bad impression. I want to know, therefore, for how long it will be held over.

Shri R. K. Sidhwa (C. P. and Berar: General): Sir, I am rather surprised at the argument advanced by my honourable Friend, Mr. Kamath that if we postpone this matter indefinitely the outside world will be rather surprised. On the contrary, if we come to a satisfactory solution and a unanimous decision on this matter, the outside world will have really a very high opinion of this House. I feel, therefore, that the suggestion made by my honourable Friend Pandit Pant should certainly be accepted unanimously. I am rather surprised that of all persons Mr. Kamath should have come forward to speak in this manner. What Pandit Pant stated was really a very fine solution and I was expecting from this House that instead of creating any kind of dissension, if we really come to a unanimous decision, it will be really a record in the history of this Constitution. I therefore, very heartily and strongly support the motion moved by my honourable friend, Pandit Pant.

The Honourable Dr. B. R. Ambedkar : I support the suggestion made by Pandit Govind Ballabh Pant.

Seth Govind Das (C. P. & Berar: General): Sir, I wholeheartedly support Pandit Pant's proposition. The House very well knows how clear I am for naming our country BHARAT, but at the same time, we must try to bring unanimity of

every group in this House. Of course, if that is not possible, we can go our own ways; but up to the time there was any possibility of reaching a unanimous decision by any compromise, that effort must be made. Sir, I Support this proposition, and I hope that by the efforts of our leaders, there will not be any division on fundamental points like this, and not only this proposition, but other propositions also, like that our national language, national script etc., we shall be able to carry unanimously. I, therefore, support the views just expressed by the Honourable Pandit Pant.

Shri H. V. Kamath: I only wanted to know for how long the amendments will be held over.

An Honourable Member: It may be a day, a week or a fortnight.

Mr. Vice-President: I hold that a discussion of these few clauses should be held over till sufficient time has been given for arriving at some sort of understanding. This will be to the best interests of the House and of the country at large.

Shri Lokanath Misra (Orissa: General): Sir, I have a submission to make. If it is your decision, Mr. Vice-President, Sir, that may amendment is not to be moved, or that it is to be held over, I have no objection. Of course, I agree that may amendment consists of two parts, changing the name of India, and some other things. I am very glad that this change of the name is being held over so that we may come to some unanimous decision which will be pleasant to all. But, I submit, I should be allowed to move the rest of the amendment. That is in no way similar to the amendment moved by Professor K. T. Shah. If I had really known that, I would have said what I have to say when he moved that amendment. I, therefore, request you kindly to allow me to move the rest of the amendment, without amending the name of India.

Mr. Vice-President: Apart from the language employed, I consider that what is said in your amendment is substantially the same as what was said in the amendment of Professor K. T. Shah. It has been discussed. It cannot be discussed again.

Shri Likanath Misra: That is taking one by surprise.

Article 2

Mr. Vice-President: the next motion is:

That Article 2 stand as part of the Constitution.

Shri H. V. Kamath: Article 1 may be put to vote.

Mr. Vice-President: That Article has been postponed. I cannot be put to vote now till all the amendments are considered.

Mr. Naziruddin Ahmad: Amendment No. 131.

Mr. Naziruddin Ahmad : Sir, I beg to move:

"That for Article 2 and Article 3, the following be substituted:

'2. Parliament may be law -

(a) admit into the Union new States;

(b) sub-divide any State to form two or more States;

(c) amalgamate any two or more of the following classes of territories to form a State, namely -

(i) States,

(ii) part or parts of any State,

(iii) newly acquired territory;

(d) give a name to any State admitted under item (a) or created under items (b) and (c) of this article;

(e) alter the name of any State:

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless -

(a) where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislative Assembly or in the case of a bi-cameral Legislature, of both Houses of the Legislature of the State, or as the case maybe, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and

(b) where the proposal affects the boundaries or name of any State or States for the time being specified in Part III of the First Schedule, the previous consent of the State, or as the case may be, of each of the States to the proposal has been ascertained'."

Sir, in introducing this amendment, I should submit that many points are involved in this. The two Articles, Articles 2 and 3, are to a certain extent overlapping. In Article 3 there are certain redundancies, and there are one or two minor gaps. I shall deal with them just now. An analysis of Article 2 shows that Parliament may admit into the Union new States and establish new States. These are the two points in Article 2. In Article 3 power has been given to the Parliament to (a) form a new State by separation of territory from a State or by uniting two or more States or parts of states, (b) increase the area of any State, (c) diminish the area of any State, (d) alter the boundaries of any State, and (e) alter the name of any State. I submit, Sir, that the first element in Article 2, admitting into the Union a new State, is covered by the first part of Article 3. With regard to Article 3, the three elements of increasing the area of a State or diminishing the area of a State, or altering its boundaries, I submit, are redundant. If you subdivide a state, you decrease the area. If you add to one State another or a part of a State, you necessarily increase the area, and a re-adjustment of territories involves necessarily alteration of boundaries. I beg to submit that the three elements of increasing the area or diminishing the area or altering the boundaries are so necessarily implied in the other part of the Article and it would be meaningless and practically useless to embody them in the Constitution, I submit, Sir, that if you have the power to divide one State into two or more parts, or unite two States or parts of States, these three elements are necessarily implied and therefore, they need not be repeated. This element of increasing the area, diminishing the area and altering the boundaries are consequences of the other powers given. These consequences need not be mentioned. They are necessarily involved in the process of division, addition and subtraction. So to that extent these three elements must go.

Then the condition of separation of territories from a State in Article 3 (a) - for this I think a better way would be, to say, we "sub-divide" any State and form into two or more States. I think this would be a better expression; and then the element of uniting two or more States, etc., a better expression would be "amalgamating any two or more States or parts of States". Then there is no power given in the existing article of amalgamating newly acquired State. The powers of the Parliament in this respect are specifically given in my amendment but this is entirely absent in the Draft Constitution.

Kazi Syed Karimuddin (C. P. & Berar: Muslim): Mr. Vice-President, the Honourable Member Mr. Naziruddin has moved an amendment to Articles 2 and 3. Article 2 has been taken up for discussion now and not Article 3. So unless both are taken up for discussion, the amendment as it stands cannot be moved.

Mr. Vice-President (to Mr. Naziruddin): Please go on.

Kazi Syed Karimuddin: What is your ruling, Sir?

Mr. Vice-President: When I said he is to go on, the decision should be understood.

Mr. Naziruddin Ahmad: That is why I have attempted to incorporate into the amendment the following points:

- (a) admit into the Union new States,
- (b) sub-divide any State to form two or more States;
- (c) amalgamate any two or more of the following classes of territories to form a State, *viz.*,
 - (i) States,
 - (ii) Part or parts of any State
 - (iii) newly acquired territory;
- (d) give a name to any State admitted under items (b) and (c) of this article;

and then again the power to alter name is already given. I submit that these embody the essential features, of clauses 2 and 3. It avoids repetition and it eliminates parts of articles which are redundant, *viz.*, which are necessarily implied. That disposes of the body of the proposed amendment. Then with regard to the present clause 3,

Shri H. V. Kamath: On a point of Order. How can he refer to Article 3 when it is not under discussion? Amendment to Article 3 cannot be taken up at this stage.

Mr. Naziruddin Ahmad: I submit that a ruling has already been given that the amendment is in order, *viz.*, that for Articles 2 and 3 the following article be substituted. This is certainly an amendment to Article 2 although it incorporates in the amendment also article 3. So the Honourable the Vice-President has already ruled that the amendment is in order.

I submit that the phrase 'increasing area' or 'diminishing area' would not be very appropriate. You do not increase an area by addition or diminish it by means of subtraction. The words are mostly used in an intransitive sense. As an instance you can increase the area of a balloon by inflating and decrease it by deflating. Therefore I submit that these words are not appropriate. If these elements are to be retained, the words 'enlarge' and 'reduce' would be more appropriate. The increase of an area by addition or reduce it by subtraction is not in current use, but at any rate the other objection is that they are absolutely redundant. I therefore submit that the body of the proposed new Article 2 should be accepted.

With regard to the proviso, the only effect of the amendment would be that in the proviso (a) in part I there is a condition of representation in the Legislature. In No.2 there is the question of the resolution. I submit Part 1 of proviso (a) should be deleted. A Resolution as mentioned in Part 2 of clause (a) of the Proviso is better. So the only effect of the change of proviso is to eliminate Part 1 of proviso (a). These are the essential changes proposed in this amendment, viz., elimination of some of the points which seem to me to be redundant. There are one or two points which seem to have been overlooked. In proposing this amendment I do so with great respect. I do not in the least disparage the high quality of work which the Drafting Committee has done.

My next amendment which I shall move in this connection is as follows: -

"That in Article 2 the words 'from time to time' be deleted."

The words 'from time to time' have caused some amount of trouble before. These words have been provided for in the General Clauses Act. Under that Act if any power or right is given, it is understood that unless the contrary is specifically indicated that the power or right may be exercised "from time to time as occasion arises". It follows that if any power is given, unless the contrary is definitely stated, that power may be exercised from time to time. This expression appears again and again the Draft Constitution. We have put specific provisions in the Draft Constitution itself in Article 303, Clause (2) which provided that in the interpretation of this Constitution, the provisions of the General Clauses Act shall apply. I shall read out this clause -

"Unless the context otherwise, the General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Constitution."

The Government of India Act was controlled in this respect by the U. K. Interpretation Act of 1889, and this clause (2) of Article 303 is similar to that provision in the Government of India Act. It, therefore, follows that in the interpretation of this Constitution, we should have regard to the General Clauses Act. And the General Clauses Act definitely provides for this thing, that the words "from time to time" need not be repeated again and again. If we say that the President can give a ruling on points of order, it implies that he can give the ruling as and when occasions arise, from time to time. So in practical life, and in daily drafting of Statutes, we find it as an invariable rule that this phrase is not repeated, here and there, and now and again. In this Constitution itself, the words "from time to time" do not appear everywhere. The House will see that in Article 2, line 1, the expression 'from time to time' appears. "Parliament may, from time to time..." do certain things. But coming to Article 3, we merely find "Parliament may, by law....." and no 'from time to time' occurs there. There are numerous other places where the words 'from time to time' in a similar context do not appear. I submit that the drafting should be uniform. If in one place we introduce the phrase 'from time to time', and if we do not introduce it in another

analogous place, the argument may be made that in one place the power may be exercised from time to time, and in the other place it may not be exercised from time to time. It is this reason that I say that there should be some uniformity in the matter of drafting. The words 'from time to time' must be excluded. But if they have to be introduced at all, they have got to be introduced in all other similar places.

With these few words, I submit my amendment for the consideration of the House. I merely wanted to raise these points for discussion, and if necessary for redrafting of the article, if the points are worthy of consideration.

Shri M. Ananthasayanam Ayyangar: Sir, I oppose these amendments. These are verbal matters and I would even appeal to you not to allow such amendments. I request you to put it to vote now.

The Honourable Dr. B. R. Ambedkar : I oppose the amendments.

Mr. Vice-President: I will put the amendments nos. 131 and 132 to vote. Dr. Ambedkar has spoken already and there cannot be any further discussion.

Kazi Syed Karimuddin : Sir, on a point of order. If this amendment is accepted, it will amend Article 3. Therefore, unless a ruling is given that Articles 2 and 3 should be discussed and taken into consideration in regard to this amendment, this cannot be put to vote now. If it is accepted, as I said, it will amend Article 3 also.

The question is: -

"That for Article 2 and article 3, the following be substituted:

'2. Parliament may by law -

- (a) admit into the Union new States;
- (b) sub-divide any State to form two or more States;
- (c) amalgamate any two or more of the following classes of territories to form a State, namely -
 - (i) State,
 - (ii) Part or parts of any State,
 - (iii) newly acquired territory;
- (d) give a name to any State admitted under item (a) or created under items (b) and (c) of this article;
- (e) alter the name of any State;

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless --

- (a) Where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislative Assembly or in the case of a bi-cameral Legislature, of both Houses of the Legislature, of the State, or as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and

(b) where the proposal affects the boundaries or name of any State or States for the time being specified in Part III of the First Schedule, the previous consent of the State, or as the case may be, of each of the States to the proposal has been ascertained; and

That in article (2), the words "from time to time" be deleted'."

The amendments were negatived.

Mr. Vice-President : Amendment No. 133, I find is connected with the Preamble, and so it may be taken up later, this is not the appropriate place for it.

Amendment Nos. 134 and 135, are not moved.

Amendment No. 136 has been disposed of.

Amendment No. 137 is a verbal change and I rule it out of order.

Amendment No. 138 is not moved.

Then I put Article 2.

Shri H. V. Kamath : Sir, I wish to speak on Article 2.

Mr. Vice-President Sir, it appears to me that there is a little lacuna in this Article which my Honourable friend, the able jurist and constitutional lawyer that he is, will rectify, when it is finally drafted by the Committee. If we turn to the report of the Union Constitution Committee - I am reading from the reports of the Committee, Second Series, from July to August 1947, copy of which was supplied to each member last year - there Article 2 begins thus: -

"The Parliament of the Federation" of course, we have changed the word Federation into Union but here you import the word 'Parliament' suddenly in Article 2 without saying to which Parliament it refers. This is a lacuna, because there is nothing so far in the previous article regarding Parliament. So we must say here the "Parliament of the Union". This lacuna, I hope, will be rectified.

The Honourable Dr. B. R. Ambedkar: We shall take note of what Mr. Kamath has said.

Mr. Vice-President: Then the question before the house is that Article 2 form part of the Constitution.

The motion was adopted.

Article 2, was added to the Constitution.

Article 3.

Mr. Vice-President: Now we come to Article 3.

Amendment No. 139 is a negative amendment and is out of order.

Then we come to Amendment No. 140. Not moved.

The Honourable Shri K. Santhanam (Madras: General): Sir, I move:

"That in clause (a) of article 3, the following words be added at the end:

'or by addition of other territories to States or parts of States'."

I need not take up the time of the House. It only makes clause (a) logically perfect, because a new State can be formed by having a part of one of the acceding States and adding to it other territories which may be acquired by India.

Shri M. Ananthasayanam Ayyangar: I request the House to accept the amendment because by this addition alone will the article become complete.

The Honourable Dr. B. R. Ambedkar : Mr. Vice-President, I am agreeable to the principle of the amendment moved by my friend Mr. Santhanam. The only point is that I like slightly to alter the language to read "or by uniting any territory to a part of any State".

The Honourable Shri K. Santhanam: I am agreeable to the change.

Mr. Vice-President: the question is:

"That in clause (a) of article 3, the following words be added at the end:

'for by uniting any territory to a part of any State'."

The motion was adopted.

Prof. K. T. Shah : Mr. Vice-President, Sir, I beg to move:

"That the following new proviso be added after clause (e) of article 3:

'Provided that every proposal for legislation which increases or diminishes the area of an existing State, or alters its name or boundaries, shall originate in the Legislature of the State concerned or affected, in such form as the rules of procedure in the Legislature concerned consider appropriate'."

Sir, here is a proposal to consult first the Legislature of the State, whose name or boundaries are proposed to be altered, or whose areas are proposed to be increased or diminished. We are all aware that the existing Units which make up this Federation are not equal *inter se* are not logical, are not happily constructed so as to minister to the development of the country or even of the areas themselves. It is necessary, and it will soon perhaps have to be implemented in some form or another, that these areas be reconstructed. That would mean that their boundaries, perhaps even their name, and their territories, may be altered, upwards or downwards. If that becomes necessary, then I submit the proper course would be to consult the people themselves who are affected, if not by a direct Referendum to the people affected, at least by a consultation of the legislature, rather than that the change be imposed from above, as in my opinion the clause as it stands requires. The parties primarily affected are the people themselves of the areas whose boundaries or name is to be altered, or whose position has in any way to be reconstructed. And it is but a simple proposition - a mere matter of fundamental principle I submit - that you should in a democratic regime consult the peoples affected, and not merely lay it down from above. I recognize that the article as it stands provides that in any such event you should have either a representation from the representatives of the people in the Central Parliament to suggest such an alteration, or alternatively the President should have received some such re-representation from the people concerned. But it will be the act of the Central authority, and not of the people

primarily affected to suggest this variation. I submit that is in principle a wrong approach.

I am afraid that the general trend of the Draft Constitution, as I view it, seems excessively and unnecessarily to place power and authority in the Centre, to the serious prejudice not only of the Units, but even of the very idea of democracy as we flatter ourselves we are embodying in this Constitution. If it is a democratic Constitution, if we desire that the people should govern themselves, or that, even if they are not prepared today to do so, they should learn necessarily by mistakes, to be fit for and practice self-government, then I think it is of the utmost importance that a provision like this should be insisted upon.

Any question which relates to the alteration of the present units, their territories, boundaries or name, should begin with the people primarily affected, and should not come from the authority or power at the Centre. The authority at the Centre obviously is not familiar with local conditions; or they may have other outlook, may have other considerations, other reasons, for not accepting or agreeing to such a course. The authority at the Centre, even if moved by the representatives of the areas concerned by some resolution or other procedure, may be guided by the very few persons which, under any scheme of election, will constitute the representatives of those areas in the Central Parliament; and not really consult the entire population, the adult voters of the areas concerned, which I submit is the first requirement of any such readjustment.

Lest I should be misunderstood, I would at once add that I am certainly not in love with the present position, or the continuance of the alignment of the provinces and States as they stand today. They need to be altered, they must be altered. But they must be altered only as and how the people primarily affected desire them to be altered, and not in accordance with the preconception, the notion, of such adjustment that those at the Centre may have, even if some of those at the Centre are the representatives of the people concerned.

I make it imperative, therefore, that the first proposition, the initiation of the movement either to integrate or to separate, either to readjust the boundaries or to bring about any new form of configuration, must commence with the people themselves. There is another consideration in the matter, which also should not be ignored, namely that in any such readjustment, it will not be one single group that will be affected or concerned; there may be at least two or more which are likely to be affected; and as such the representatives of those two groups, or those more than two groups in the Central, may not be quite competent to reflect the views of the people as a whole. I admit that in democracy majority rule should prevail. But the majority has not the monopoly of being always right and still less to be always just. If that is so - and I strongly believe it is so - then I submit that the only cure, if you wish to retain democracy, is to secure the assent in advance, to make the initiation, from the beginning, from or by the people concerned in suggesting such readjustment.

The actual readjustment of boundaries, the actual formation of new units, may be left to competent Boundary Commissions, or to any other body or authority that may be set up, either *ad hoc* for the particular purpose, or in general terms as a kind of a statutory, constitutional authority, semi-judicial in character, that may decide upon and settle these matters. But in the absence of any such provision, and apart altogether from such mechanism that maybe set up hereafter, I think the principle must never be lost sight of that the matter should originate, and should originate alone, with the peoples concerned. I personally would advocate a direct Referendum rather than merely a vote of the Legislature,

but lest the suggestion of a referendum sound too revolutionary to be entertained by a respectable House like this, I suggest - and I have put in the amendment - the idea only of the Legislature being consulted, and not necessarily the people as a whole. I trust this evidence of my intense, ingrained moderation would commend itself to the House, and allow the amendment - not merely to be opposed by a simple formal "I oppose", but by some sort of a reasoned answer rather than a fiat. Sir, I commend this proposition to the House.

Rai Bahadur Syamanandan Sahaya (Bihar: General): Sir, may I make a submission. I think that if Dr. Ambedkar moves his next amendment things will be clarified and such of us as have amendments in our names will be able to decide whether we should move them or not.

Mr. Vice-President: I agree with you fully. Dr. Ambedkar may move his amendment.

The Honourable Dr. B. R. Ambedkar : Sir, I move:

"That for the existing proviso to article 3, the following proviso be substituted:

'Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the president and unless --

(a) where the proposal contained in the Bill affects the boundaries or name of any State or States for the time being specified in Part I of the First Schedule, the views of the Legislature of the State, or as the case may be, of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President; and

(b) where such proposal affects the boundaries or name of any State or States for the time being specified in Part III of the first Schedule, the previous consent of the State, or as the case may be, of each of the States to the proposal has been obtained'."

Mr. Vice-President, if one were to compare the amended proviso with the original proviso as it was set out in the Draft Constitution, the Members will see that the new amendment introduces two changes. One is this: in the original draft the power to introduce the Bill was given exclusively to the Government of India. No Private Member of Parliament had the power, under the original draft, to propose any legislation of this sort. attention of the Drafting Committee was drawn to the fact that this was a somewhat sever and unnecessary curtailment of the right of the members of Parliament to move any motion they liked and in which they felt concerned. Consequently we deleted this provision giving the power exclusively to the Government of India, and gave it to the President and stated that any such Bill whether it was brought by the Government of India or by any private Member should have the recommendation of the President. That is one change.

The second change is this: under the original Article 3, the power of the Government of India to introduce legislation was restricted by two conditions which are mentioned in (a)(i) and (ii). The conditions were that there must be, before the initiation of any action, representation made to the President by a majority of the representatives of the territory in the Legislature of the State, or a resolution in that behalf passed by the Legislature of any State-whose boundaries or name will be affected by the proposal contained in the Bill. Here again, it was represented that there might be a small minority which felt very strongly that its position will not be safeguarded unless the boundary of the State were changed and that particular minority was permitted to join their brothers in the other State, and consequently if these brothers remained there, action would be completely paralysed. Consequently, we propose now in the amended draft, to

delete (i) and (ii) of (a) and also (b) of the original draft. These have been split up into two parts, (a) and (b). (a) deals with reorganisation of territory in so far as it affects the States in Part I, that is to say, Provinces and, (b) of the new amendment relates to what are now called Indian States. The main difference between the new sub-clauses (a) and (b) of my amendment is this: In the case of (a), that is to say, reorganisation of territories of States falling in Part I, all that is necessary is consultation. Consent is not required. All that the President is called upon to do is to be satisfied, before making the recommendation, that their wishes have been consulted.

With regard to (b), the provision is that there shall be consent. The distinction, as I said, is based upon the fact that, so far as we are at present concerned, the position of the provinces is different from the position of the States. The States are sovereign States and the provinces are not sovereign States. Consequently, the Government need not be bound to require the consent of the provinces to change their boundaries; while in the case of the Indian States it is appropriate, in view of the fact that sovereignty remains with them, that their consent should be obtained.

As regards the amendment moved by Prof. Shah, I do not see much difference between my amendment as contained in sub-clause (a) of the new proviso and his. He says that the discussion shall be initiated in the States. My sub-clause (a) of the proviso also provides that the States shall be consulted. I have not the least doubt about it that the method of consulting, which the President will adopt, will be to ask either the Prime Minister or the Governor to table a resolution which may be discussed in the particular State legislature which may be affected, so that ultimately the initiation will be the local legislature and not by the Parliament at all. I therefore submit that the amendment of Professor Shah is really unnecessary.

The Honourable Shri K. Santhanam : Mr. Vice-President, I wonder whether Professor Shah fully realizes the implications of his amendment. If his amendment is adopted, it would mean that no minority in any State can ask for separation of territory, either for forming a new province or for joining an adjacent State unless it can get a majority in that State legislature. I cannot understand which he means by 'originating'. Take the case of the Madras Province for instance. The Andhras want separation. They bring up a resolution in the Madras legislature. It is defeated by a majority. There ends the matter. The way of the Andhras is blocked altogether. They cannot take any further step to constitute an Andhra province. On the other hand, as re-drafted by the honorable Dr. Ambedkar, if the Andhras fail to get a majority in the legislature, they can go straight to the President and represent to him what the majority did in their case and ask for further action removing the block in the way of a province for them. If they are able to convince the President, he may recommend it and either the Government of India may themselves sponsor legislation for the purpose or any private Member or a group in the Central legislature can take up the question. Therefore, by Mr. Shah's amendment instead of democracy we will have absolute autocracy of the majority in every province and State. That is certainly not what professor Shah wants. But, unfortunately, in his enthusiasm for what he calls the principle, he has tabled an amendment which altogether defeats his object. I therefore suggest that the amendment shall be rejected and the proposition moved by Dr. Ambedkar should be accepted.

Mr. Vice-President: Mr. Sidhwa.

Shri R. K. Sidhwa: Mr. Vice-President.

Shri H. V. Kamath: Sir, are we considering amendments 149 and 150 together? There are two amendments to amendment 150.

Mr. Vice-President: Let us hear what Mr. Sidhwa has to say. We will certainly take up the amendments to which Mr. Kamath has drawn attention.

Shri R. K. Sidhwa : I do not accept the arguments advanced by Mr. Santanam against the amendment moved by Professor Shah. He stated that if in the Madras legislature a motion for the separation of the Andhra is lost by a majority, the Members affected will have the right to represent their case to the President at the Centre, under the proposition moved by Dr. Ambedkar. If, Sir, that is the effect of the proposition, I do not welcome it. It will be unfair to seek the aid of the President against the expressed wish of the majority under democracy. If the majority say that they do not want separation of the Andhras, the minority should not have the right to go to the President by the back door and urge separation.

But Sir, I do not share the views of Professor Shah in this matter. Dr. Ambedkar's amendment is very clear and comprehensive. It states that if anybody wants a change of name or separation, he can move for that in the local legislature. This is what Prof. Shah wants too. But I do feel that Dr. Ambedkar's official amendment is more comprehensive and should be supported. Though Professor Shah says that he has in mind referendum on matters of this kind, the amendment does not mention it. If a referendum is to be taken, the legislature has the necessary power to ask that it be done. The arguments advanced by Mr. Santhanam do not appeal to me. But, as I said, Professor Shah's amendment restricts the utility of the Provision. I therefore commend the amendment of Dr. Ambedkar to the House.

Mr. Vice-President: Mr. Naziruddin Ahmad may move his amendment.

(The amendment was not moved.)

Mr. Vice-President: Pandit Hirday Nath Kunzru.

Pandit Hirday Nath Kunzru (United Provinces: General): Mr. Vice-President, I beg to move:

"that in the amendment of Dr. Ambedkar as just moved, for the words 'the previous consent' the words 'the views' and for the words 'has been' the words 'have been' be substituted respectively."

Sir, the object of my amendment, as honourable members will clearly see, is to place the States specified in Part III of the First Schedule on the same footing as the States specified in Part I of the Schedule so far as the reorganisation of the territory of any State is concerned. Dr Ambedkar has told us why the amendment that he has proposed deals differently with the States mentioned in Part I and the States mentioned in Part III of the Schedule. He has expressed the opinion that the States mentioned in Part III of the Schedule are sovereign States and that they therefore enjoy a higher status than the provinces. Consequently, while the consent of the provinces is not necessary to a reorganisation of their territory, the consent of the States in Part III of the Schedule is required if their boundaries are to be altered in any way.

Now, I submit, Sir, that there are several provisions in the Draft Constitution that do not proceed on the theory just now outlined by Dr. Ambedkar. Take

Article 226 for instance. This Article lays down that, when the Council of States has declared by the prescribed majority that it is necessary or expedient in the national interests that Parliament should make laws with respect to any matter enumerated in the State List specified in the Resolution, "it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter". It is clear from this provision that notwithstanding the sovereignty of the States mentioned in Part III of the Schedule, the Dominion Parliament can in certain circumstances legislate on subjects in regard to which legislative power has not been made over by these States to the Dominion Parliament in their Instruments of Accession. I know that this clause has been amended by the Drafting Committee. It has been provided that the declaration made by the Council of States in regard to the necessity or desirability of legislation of the kind mentioned in Article 226 should be limited to three years at a time, but it can be renewed from time to time. But whatever the duration of the power that the Dominion Legislature will acquire under Article 226 may be, it is clear that notwithstanding any difference between the provinces and the Indian States, the Dominion Parliament will in a certain eventuality be able to legislate in regard to a subject in connection with which the Indian States have not parted with their own legislative power. I see no reason therefore why, proceeding on the principle on which Article 226 of the Draft provides, we should not provide that in the case of the reorganisation of territories too, the provinces and the Indian States should be placed on the same footing.

Article 226 does not provide the only instance in which the States and the provinces will be dealt with in the same manner, whatever the Instruments of Accession may say. For another illustration, I would ask the House to refer to Article 230 which deals with the implementation of international treaties, agreements and conventions. This article lays down that Parliament has power to make any law for any State or part thereof for implementing any treaty, agreement or convention with any other country or countries. Now, I could have understood, if Dr. Ambedkar's theory was to be acted upon consistently, the exclusion of the States specified in Part III of the Schedule from the operation of Article 230; but as a matter of fact this Article, if accepted by the House, will affect not merely the provinces or the States mentioned in Part I of the First Schedule but also the Indian States, *i.e.*, the States mentioned in Part III of the Schedule. Whatever the Instruments of Accession may say, the Dominion Parliament will have the power to carry out international treaties, agreements and conventions, even though they may relate to subjects specified in the State List.

Sir, there is yet another example that may be given to show that the draft Constitution has, in an important matter, given power to Government to direct the States to act in a particular manner. I refer to Article 294 of the new Draft. Article 294 as previously drafted provided for minority representation in the Legislative Assemblies of the States specified in Part I of the First Schedule. The Article as drafted now compels the Assemblies of the States specified in Part III of the First Schedule also to reserve seats for the minority communities mentioned therein in the Legislative Assemblies of the States. This is another illustration of the manner in which the draft Constitution has imposed liabilities or responsibilities on the States mentioned in Part III of the first Schedule, notwithstanding what Dr. Ambedkar has said about their sovereign status.

Now it may be said, Sir, that the examples that I have given from the draft Constitution do not indicate that the Dominion Legislature will be able to exercise any power in regard to the States mentioned in Part III of the Schedule, notwithstanding anything to the contrary in the Instruments of Accession. It may

be contended that the Instrument of Accession will be accepted only when the states accept the responsibilities mentioned in Articles 226, 230 and 294. If that is so, why cannot Government go further and require the States to agree to a reorganisation of their boundaries in such manner as might be considered desirable by the President in consultation with them? I am not asking that the States should have no voice in connection with matters relating to their territorial limits. All that I am asking for is that the consent of the States should not be necessary for a reorganisation of their territories. Consultation with them should be quite enough. Normally their legislatures should be consulted, but as we are not certain that every State has or will soon have a legislature, I was unable to table an amendment requiring that in the case of the States, too, the opinions of the legislatures concerned should be obtained, before any action is taken. I do not see, why the previous consent of the States should be required in connection with Article 3 and more than it is required in connection with matters dealt with in Articles 226, 227 and 294. If Government desire to be consistent, it is incumbent on them, in my opinion, to accept the amendment that I have placed before the House. They cannot in conformity with the position taken up by them in the draft Constitution raise any objection on principle to the amendment that I have moved.

Sir, if my amendment is as I think free from all theoretical objections, on any practical grounds be urged for dealing with the States differently from the provinces? I do not think that there is any reason whatsoever why the States specified in Part III of the Schedule should have the permanent right to veto their territorial re-organisation, however necessary or desirable it may be in the public interest. There are unions, Sir, that are very small; their revenues are too limited to enable them to fulfil the duties that Governments have to shoulder in modern times. Is it desirable that these States should in utter disregard of the interests of their citizens always rule out all proposals relating to the re-organisation of their territories? If Government bear in mind the interests of the people, not merely in the States specified in Part I of the First Schedule but also of the States specified in Part III of the First Schedule, it is necessary for them to take power in their own hands to deal with the question of territorial re-organisation, whether it concerns the provinces or the Indian States, in any manner they like. If they fail to do so, they may justly be accused by the inhabitants of the States specified in Part III of the First Schedule of treating them in a step-motherly manner and leaving them to carve out their future as they best may with their own unaided resources. The whole principle on which the Draft Constitution is based is that in certain essential matters, the Central Government should have adequate powers to arrive at decisions and to execute them in the interests of the entire territory of India. My amendment, Sir, proceeds on the same basis and I submit that it would be inconsistent and unjust on the part of the Government if they were to reject my proposal merely on the ground that the States, though they will be compelled to bow to the wishes of the Indian Legislature in certain matters, should not be compelled to fall in line with the provinces in regard to the re-organisation of their territories, however urgent the matter may be.

Rai Bahadur Syamanandan Sahaya : Mr. Vice-President, Sir, the desire for the formation of provinces and the re-distribution of boundaries of existing provinces and States is, in my opinion, assuming the proportions of an epidemic, I feel that the two words "linguistic" and "cultural" have never been more misused than in recent times. In framing a legislation, and particularly a legislation of the type we are considering, it is necessary for us to decide what type of tendencies we should encourage and what types of tendencies we should not encourage. It is from this angle that I am making a few submissions in connection with this Article and the amendments before us.

I have no doubt that the amendment proposed by Dr. Ambedkar to his own draft has been guided by some such consideration that I have just placed before you and the House. The Draft as it stands only lays down that a Bill for re-distribution of boundaries or for re-naming a State would be introduced if the majority of the representatives of the territory expressed a desire to that effect. Of course, the language of the Draft as it stands is, in my opinion, ambiguous. Because, representatives of the territory, as it stands in the Draft, may mean the territory of the whole province, and the representatives of the entire province under the existing Draft may be required to give their opinion before legislation of the type could come into parliament. Since then, Dr. Ambedkar has moved an amendment which makes a distinction between the manner of ascertaining the views of the Provinces, and the States specified in Part III of the First Schedule. Although I agree with one observation which has recently been made by Pandit Kunzru that there is no reason for this differentiation, I do not agree with the amendment which he has proposed. I feel that in both the cases of the Provinces and the Indian States, the words 'previous consent' should occur. In part (a) of the Proviso as suggested by Dr. Ambedkar, the words are: "where the proposal contained in the Bill affects the boundaries of any State of States for the time being specified in Part I of the First Schedule, the views of the legislature of the State or as the case may be of each of the States both with respect to the proposal to introduce the Bill and with respect to the provisions thereof have been ascertained by the President." This is, Sir, relating to the Provinces. When he comes to part (b) of this Proviso, concerning the States referred to in Part III of the First Schedule, (ii) the Indian States he says: "the previous consent of the State or as the case may be, of each of the States to the proposal has been obtained." Now, Sir, there is a difficulty which I envisage in this amendment. Supposing the re-distribution of boundaries concerns one State referred to in Part I of the First Schedule and another State referred to in Part III of the First Schedule, the result would be that in the case of the State referred to in Part I of the First Schedule the views of the Assembly will be ascertained and in the other case, the consent of the State will be required so that, if the State referred to in Part III of the First Schedule does not give consent, even though the province may agree, the re-distribution will not take place. I, therefore, feel with Pandit Kunzru that there should be no distinction between the two provisions; but instead of leaving the door very wide open in the provinces, I would submit that Dr. Ambedkar should consider if it would not be proper that the word 'consent' used in the case of States referred to Part I of the First Schedule also. I had an amendment in my name, being number 161 on the list. But, I feel that this amendment of Dr. Ambedkar will receive a great deal of support in this House and the amendment suggested by me in the Draft as it stands will have no chance. I therefore make a request that even at this late stage, if the mover has no objection, you may kindly accept an amendment to use the word "consent" for the word "views" in part (a) of the proviso as moved by Dr. Ambedkar.

Pandit Thakur Dass Bhargava (East Punjab: General):* [Mr. Vice-President, I have come here to express my view on this amendment and on the amendment moved by Prof. K. T. Shah. The amendment moved by Dr. Ambedkar on this Bill is more stringent than the original one.

The first point which I would like to submit is that every part of India should be given this facility, that, should it decide to secede from one part and to accede to another, then there should be no impediment in its way. India of ours, which was under the domination of the British, is sub-divided into unhomogeneous parts which have grown in haphazard manner. Not only there are districts, which want to secede from one province and to accede to another, but there are even Tahsils and parts comprising ten to twenty villages who want to secede from one part

and to accede to other parts. This Article is sufficient to throttle them. For example, I would like to mention that Hariana, which is at present included in East Punjab, has been trying for the last forty years to get itself attached to areas whose language, customs and traditions are similar to its own and to get itself constituted into a separate province. But it could not succeed. The reason was that when this was discussed with U. P. leaders they at once stated that this was a device to parcel out U. P. They did not even consider whether it was a right thing to do or not. Provincialism and other ideas have become so ingrained in us that nobody is prepared to judge a thing on its own merits. I would like to know why in a part of Narnaul Area where there is not a single Sikh, teaching of Gurmukhi has been ordered. Today, in 1948, orders have been passed to teach Gurmukhi in an area where not a single Sikh resides and the result will be that children of that area will be forced to learn Gurmukhi. This Article, now sought to be moved, will make impossible the position of those leaderless areas, who wish to find a way out of this confusion. There will no attractive life to them, because according to this Article the right which should vest in every Member of Parliament is being given to the President. I would like to submit most respectfully that today, there are several provisions in the Government of India Act which debar a member from introducing a bill of a particular nature. Whenever I had wanted to introduce a Bill regarding joint Hindu family with the object of exempting the family from taxation, I found that it could not be done without prior sanction. Whenever I applied for sanction, that was refused. I am aware that the method of work of all the Governments is the same. The sanction of the President implies that Member, having the right to introduce a Bill, will not get the requisite sanction. Dr. Ambedkar has just said that this point was raised before him and that is why he has made the change that instead of Government introducing the Bills, Members also should be able to do so. But he has made the law more stringent than heretofore. If Government takes the responsibility for the bill, then it could get it passed. But since the giving of sanction will entirely depend on its recommendation, no moral influence will be there. If the President and the Cabinet do not want it and do not recommend it, then Parliament, not to talk of the individual, can do nothing. Recommendation means that the power of originating such a bill has been taken away from the Members. Therefore I submit that this provision is most undemocratic. Similarly, I would like to state that under article 34, which gives the discretion to Parliament to delegate any of its powers to the President or to anyone else, Parliament will not be competent to bring any legislation for changing the boundaries of provinces unless the President's recommendations is there. This is a right of a Member and it will be taken away by this provision. Since the war we have been hearing that everyone has got the right of self-determination. This provision takes away that right. If the people of an area want separation, then the right of self-determination should be given to them. Prof. K. T. Shah while elaborating his amendment has stated that he is afraid of referendum, but the proposal put forth by him strikes at the very root of self-determination. For example, if any part of a big province wants to break away then the only course before it is to bring the matter before the Members. But by doing so the very purpose would be defeated because the majority would always reject such a proposal. The principle, underlying the amendment of the learned Professor, is right but his suggestion is wrong. In my opinion a provision should be evolved whereby separation may be effected by holding a referendum of the people of the area desiring to separate. I know the result will be that many areas would like to go out and the provincial legislature would never agree to that. Therefore, there would be no use in taking the vote of the whole House as small areas will not get a vote. In the old Government of India Act a similar provision existed. In 1946, I had tabled a resolution in the Assembly for the appointment of a Commission for redistribution, but unfortunately it could not be taken up. A proposal was also put

before the Cabinet Mission for appointing a Commission for the redistribution of the provinces. Now a linguistic commission has been appointed. I hear attempts are being made to shelve its activities. I would like the Congress Government to respect the wishes of the areas, which desire to separate from any province and that no hurdles are placed in their way; on the other hand, all legal aid should be given for the formation of a new province. But so long this Section exists areas comprising even two or four districts, will not be heard at all. The previous condition that only the vote of the representatives of the territory, which wants separation, should be taken, has now been deleted. Now it is proposed that the vote of the legislature should be taken. No provincial legislature would agree to the separation of apart, and the representatives of the affected area will be so influenced that they would not be able to give free expression to their views. Therefore, holding of a referendum is necessary. Parliament, and not the President, should have the right to determine the matter after taking into account the opinion of the people of the area concerned and of the vote of the provincial legislature. It is therefore necessary that every Member of the parliament should have the right to give notice of such a bill. Views of the provincial legislature may be taken but the changes should be effected in accordance with the wishes of the people of the area, who want separation. If this is not done then the principle of self-determination would be nowhere. We used to hear that after the attainment of Swaraj the right of self-determination would be given to all. This Section will put an end to that right, and no justice would be done to the people. I belong to a small district, Hissar. It is an epitome of India. Boundaries of many provinces meet in Hissar, *e.g.*, Jind. Jind State having 88 per cent Hindu population, and only 12 per cent Sikhs has been included in the Eastern Punjab States. Formerly, Delhi was a part of U. P. Six districts of Ambala Division were also included in it. In 1857, Lawrence, who had annexed this area, was made Governor of the Punjab and so this territory was included in the Punjab Province. For a very long time we tried that Delhi and Ambala Division be separated from the Punjab, because this territory had nothing in common with the Panjab, but our efforts bore no fruit. Now, after the partition it remains to be seen as to what would happen to this area; with whom will Delhi and Ambala Division be tagged and whether Punjabi or Hindi would be its language. Now, we hear that we are to be included in a Punjabi speaking province. Our children, who have nothing to do with Punjabi language, will have perforce to read Punjabi. Nothing could be more cruel than this. This provision gives no freedom. The Constitution is being forged to enable people of every part of the country to live in peace, and to evolve an organic life for themselves. But under Article 3 and this amendment, each and every part would not be able to attain freedom for itself. Therefore, I say that the provision is undemocratic, and that it restricts the rights of the Parliament. Views of the legislatures may be invited, and may be taken into consideration; but the determining factor should be the vote of the people of the area, which wants to separate. For this, there is no provision under the present law. With these words, I would like to emphasis that it should be so amended that even the smallest areas in the country may be able to achieve full freedom.

Shri Rohini Kumar Chaudhari (Assam: General): Sir, it is my misfortune to have to oppose the amendments moved by the two stalwart Members of this House, namely, Prof. Shah and Pandit Kunzru. I oppose them not because I like them less, but because I like Dr. Ambedkar's amendment more, as it meets the present situation very well. Sir, I do not object to Prof. Shah's amendment on the ground of its wording or its unsatisfactory character or to the word 'originate'. I entirely agree with him that no such motion should be considered in any House if the State which is affected is not at all in favour of it. I say that if there is not a single Member of the legislature in a State who countenances the idea of separation, it is unthinkable that the Central Legislature would take up that

matter. To that extent, I agree with Prof. Shah. But I am opposed to his amendment on the ground that is very restrictive. It does not allow a motion to be moved by any other authority or by a private Member other than the Government of India itself. On that point I consider that this amendment should be opposed.

Then coming to the amendment of Pandit Kunzru, I consider that his amendment lays down a rather dangerous principle, dangerous at this stage. It smacks of a repetition of Dalhousie's annexation policy. It gives to the Central Legislature the power to alter name of a State, to change, increase or diminish the boundaries of a State, without any previous consent of that States - thanks to Sardar Patel. We have not asked for any merger or accession without the consent of the State itself, except probably in the case of the police action in Hyderabad - and we do not know how it will end after all. So, what I say is, if at this stage we give the idea to the States that it will be open to the majority of the Central Legislature at any moment they think fit to take one part of a State and tag it on to another province or to saddle it with an unprofitable part of a province, that will be a most unwise thing and that will put the States on their guard, and that will end the amity with which they are now coming in and joining us. Certainly, I agree that some powers of interference have been reserved in our Constitution by articles 226 and 230. But they also show how cautiously we are proceeding in this matter. After all, you must not ask your host to give up his bed for you, merely because he has allowed you shelter. Merely because the States now are showing their inclination to come and join us in all matters, we must not ask them to agree to a proposition whereby you will be able to alter their name, diminish their area, or change their boundary or do anything of that kind, without their consent.

With these words, I support the amendment moved by the honourable Dr. Ambedkar. I would only ask him, or anyone in the House to tell me whether the word 'President' means that the recommendation of the President would be given with the consent of the Government, or whether the President can independently act in exercise of his discretion. The word 'discretion' is not used, of course, but I would like to know if he can exercise his discretion in allowing a motion of that kind. I consider that it will be more reasonable to allow the President to exercise his discretion, rather than that he should be guided by the opinion of his Government in this matter. There are other provisions in the Draft Constitution where the President undoubtedly uses his discretion, without consulting the Government or the Central Legislature, though the word 'discretion' has not been used. For instance, in the matter of remission of sentences, the President will never be called on to take the consent of his Ministry in remitting a sentence or refusing to remit a sentence. All the same, that Article is there, without the addition of the word 'discretion'. Therefore, I consider that the interpretation which Dr. Ambedkar puts is correct, and when the word 'President' stands alone, it means he will be able to exercise discretion in such matters.

Shri Gopikrishna Vijayavargiya [United State of Gwalior - Indore - Malwa (Madhya Bharat)]: Mr. Vice-President, Sir, I am not going to speak against or for any of these motions. I have only to make certain observations, as I come from an Indian State and want to give expression to the feelings of the people of the States in this matter. I think, Sir, that the people of the States do not want any discrimination in the matter of consent or no consent (*Hear, Hear*). In fact, our wish is that the States must be put on the same level as the Provinces (*Hear, hear*), and therefore, there is no question of taking the consent of the States. In fact, I would be very glad if this article could have been amended in some such way, at least, to the effect that the States Legislatures might be consulted. I think, mere consultation would be sufficient in the matter of the States also as it

is in connection with the Provinces. I think, Sir, the question of the sovereignty of the Rulers or of the States should not be brought up. I think, Sir Stafford Cripps when he came to India also gave a definition of the States and thought that the Rulers are the States, and now some such anomaly may be created again. I say the wish of the States' people is that there should not be any discrimination in favour of the States, and consent is not necessary. You might put the States on the same level as the Provinces. The people of the States have always contested the sovereignty of the rulers - they do not accept the sovereignty of the rulers. Most of the States have been tiny; now they have merged with some of the Units but the question would crop up again if sovereignty were given to the rulers. The people of the States are fully the kith and kin of the people of the Provinces - they are the same as those in the Provinces. We do not like to further fragment our country on the same old lines. The distinction of the Indian States and the Provinces is still being maintained, but now we think that this distinction must go. The House must consider anything that may help in the States being brought on a par with the Provinces. I think the States Ministry ought to have done that a little earlier. This is really worth while doing, because we are making a Constitution and it will be very difficult to change it afterwards. I therefore think will be very difficult to change it afterwards. I therefore think that this discrimination must go. I request Dr. Ambedkar to find out some way for this. In this matter I voice the feelings of the people of the States. I am not speaking on any particular amendment.

Shri M. Ananthasayanam Ayyangar: Sir, the question may now be put.

Mr. Vice-President: What is the feeling of the House?

Shri H. V. Kamath: No, no. This is a very important matter.

Mr. Vice-President: Prof. Shibbanlal Saksena.

Prof. Shibban Lal Saksena : Mr. Vice-President, Sir, this is a fundamental matter, and the amendment tabled by Dr. Ambedkar is a very important one. In his explanation he has said that his amendment enables any Member to give notice of private Bills for changing boundaries, and on receipt of that Bill the President will take certain steps to ascertain the opinion of the Legislature concerned, and then on the advice of the Prime Minister recommend that the Bill be brought up. My friend Shri Thakur Dass Bhargava just now said that this amendment is really far more stringent than the original clause. I do not agree with that view. Under the original clause, only the Government of India could have brought such a Bill, whereas under this amendment, on the recommendation of the President any Member can bring it. The only condition is this, namely, that the President after he receives notice of such a motion from any Member will try to take the opinion of the area concerned and then, of course after consulting his Ministry, give his recommendation for moving the Bill or otherwise. But if the original clause had continued, no private Bill could have come; under the new amendment a private Bill can come, with the limitation I have already described. I personally think this is a much better form than the original clause. Probably Shri Thakur Dass Bhargava wants to go much further. He wants that any private Member should have liberty to bring in the House a Bill asking for the change of boundaries. Change of boundaries is a very vital matter and it should not be made so easy that everyday any Member shall bring forward motions for changing the boundaries and the Legislature should discuss that question. It will create unnecessary heat and create friction which I think should be avoided. I think that so far as the language of the amendment is concerned it meets the wishes of Shri Thakur Dass Bhargava. Of course the Member will have

to secure there commendation of the President, and probably if the President feels that the people of an area - the majority of them - are of the opinion that they would be happier if they go to some other State or Province, he would advise the Prime Minister, and probably the Prime Minister also will agree with him that the motion should be allowed and that Parliament should be allowed to discuss the question. I think that gives full liberty and opportunity to every area which desires a change of boundaries.

There is one aspect of this amendment which is really a very unfortunate aspect, to which Dr. Ambedkar had given vent in his lucid address in the beginning when he said that in this Constitution we have been forced to treat the Indian States on a separate footing from the Provinces. In the First Schedule, the Indian States have been put in Part III while the Provinces have been put in Part I. And here in this Article 3, Part I and Part III are separately treated. Whereas in respect of the States under Part I their Legislatures will only be *consulted*, in respect of the States under Part III their consent will be *required*. Sir, I had given notice of amendments which really sought to do away with this distinction, and I am sure that our learned Dr. Ambedkar also wishes the same thing from the bottom of his heart. There should be no difference between a Province and a State and we all wish that this distinction should disappear. My honourable friend Pandit Kunzru has also argued that there should be no differentiation at least in this matter namely about *consent* and *consultation*. He wants that the States should only be consulted just like the Provinces. He has also pointed out Sections in the Draft Constitution where the States have been asked to fall inline with the Provinces, and I think he has made out a very good case. I am very much in agreement with all that he said. But I personally feel that in this matter our leader, the States Minister, Sardar Patel, feels that it will be a breach of faith if we made provisions in the Constitution without securing the prior agreement of the Indian States also. He has promised us that he will make his efforts to get their consent and before the Bill goes into third reading he will try to have this. We all very much wish him success in his efforts.

Shri H. V. Kamath: On a point of order. Sardar Patel has made no statement on this issue and I do not know if my friend is in order in referring to any statement made by him in private.

Prof. Shibban Lal Saksena: I am only expressing his wish - he has made no statement like that - I only say that he will make his efforts and that before the Bill comes up for third reading he would be able to secure their consent. If he does not, then of course we will have to fall back on our own resources. But by making a provision like this in the Constitution we are making it very difficult for any change afterwards. When it becomes part of the Constitution, a two-third majority will be required for making any change and it will be very difficult. I suggest that some way should be found out for this. If before the third reading is passed this consent is not achieved, then this Article should at least be changeable not by a two-third majority but by a simple majority. Or if the learned Doctor can make the amendment that this part will not be treated as a change in the Constitution, I think our difficulty may be met. The honourable Member who preceded me also said that the people of the States do want that the States should fall in line with the Provinces. It is a matter of fundamental importance that the States should not remain something separate, having separate sovereignty. There should be only one sovereignty and that should be the sovereignty of the Republic; and the States should be part of the one single Sovereign Republic. I therefore hope that the Princes themselves will agree to this patriotic consummation and if they do not, I hope there will be a provision that when the Indian States people come into their own, they will be able to

make the required changes. But I hope that the Constitution will not lay down the two-thirds majority. I do hope that if a simple majority is laid down for a change in this clause, when the Indian States people come into power in their Legislatures they will see that they are governed on the same lines as the Provinces; but so long as that is not done, we will not be wise in making a breach of faith with those Indian States with whom we have made agreements. Sir, I support the amendment.

Shri L. Krishnaswami Bharathi (Madras: General): Mr. Vice-President, Sir, I fully support Dr. Ambedkar's amendment and the principle underlying it. He said that in the case of Provinces, that is Part I States, mere consultation is enough, in the case of Indian States previous consent is necessary. But the reason that he gave for this distinction is unacceptable and I have no doubt that the House will entirely repudiate that. If I heard him aright, Sir, he said that the States are sovereign. This is a very dangerous doctrine at this time of the day to lay down; two States particularly, Travancore at one stage, and Hyderabad, till recently, claimed that they were Sovereign, and we have all along been repudiating that position and declaring that the States are not at all sovereign in any accepted sense of the word, and that was the fundamental issue at the United Nations Organisation Council at Paris.

Sir, I think it may be his personal view. If we accept his amendment it is not because of that argument. I entirely agree that it is very necessary to make this distinction. We want to go slow, and the States are governed by the Instruments of Accession. We shall certainly get the consent of the people when it is necessary. But to say that the States are sovereign is laying down a dangerous doctrine and if this House accepts this amendment, it is not because of the reason that he advocates but because of other weighty considerations.

Shri Raj Bahadur (United State of Matsya): Mr. Vice-President, Sir, I stand here to voice what I think to be the universal feeling of those of us who happen to come from that part of India which hitherto has been called as the Indian States. When we read this amendment which has been proposed to the Draft Constitution by the Drafting Committee, two points emerge. Firstly, that the necessity is there for a provision in the Constitution under which there-distribution, readjustment or re-alignment of the boundaries of the various units of the Union, may be made whenever needed. Secondly, that in this matter there is some distinction provided in this provision between the Indian States of the present day on the one hand and the Province son the other. I may respectfully submit that the distinction in the wordings of the provision contained in provisos (a) and (b) of the amendment has not made us who come from the States any with happy. On the other hand, we feel a little smaller and we feel as if full justice has not been done. We know that this word "State" has been outrageously interpreted ever since the day of the first Round Table Conference. We have seen that from the days of the Round Table Conference to the declaration of August 8 by Lord Linlithgow in 1940, again from that date to the Cripps Proposals and from the Cripps Proposals to the Cabinet Mission, and even after that during the deliberations of the Negotiating Committee, there has always been the tendency, I should say the definiteness, to interpret the word "State" as NOT the people of the State but "the Ruler" of the State. I am sure that when I voice my protest against this interpretation, I voice the universal feeling of the people of the States. May be that our sacrifices in the struggle for independence have been considered by some to be somewhat smaller in magnitude but that is no reason why we should be deprived of equal rights and opportunities and of the feeling that we are one with the country, that we are not whit different from the rest of

the people of the country. That is why I say we are not happy over this distinction.

It has been argued before us - it is always, so to say, used as a militant argument against us - that because of the Covenants that have been signed between the Indian Princes and the States Ministry, and also because duly constituted Legislatures are not yet existing in many of the States or States Unions, this distinction in the proviso cannot be avoided. But I think that things are now different. Time was when sovereignty vested in the Princes, but it is a hard fact today that sovereignty has been transferred to the people in all cases, I should rather say invariably. There might still be an exception or two but that exception too will soon disappear and if that is not going to disappear willingly it shall have to take a lesson from what has happened in Hyderabad. The united will and action of the people of the Indian Union will bring round the recalcitrant elements, if any, as also those who are not going to disappear willingly it shall have to take a lesson from what has happened in Hyderabad. The united will and action of the people of the Indian Union will bring round the recalcitrant elements, if any, as also those who are not going to fall in line with the tendencies of the rest of the country. I repeat that sovereignty today vests in the people and so it vests in this Constituent Assembly. The sovereignty of the Constituent Assembly is unqualified, and undiluted in respect of any and every part of the Indian Union. If there be anyone who objects to that sovereignty or who casts any doubt about that sovereignty, the people of the States are as much behind this august Assembly as the people of the rest of the country for the defence and support of - the sovereignty of the Assembly. There should, therefore, be no difference whatsoever. I suggest that it would have been better that this amendment also might have been allowed to stand over because the matter is of urgent importance, or shall I say, of utmost importance to the people of the Indian States. Even if it be supposed that this amendment has got to be taken up, my suggestion is that it should be taken up at the time when all other controversial points are decided by this Assembly. In case my suggestion does not find favour and the amendment is pursued, then it will be accepted by the representatives of the States in this Assembly with the mental reservations which I have just referred to.

I may conclude by saying that so far as this Assembly is concerned, we have been committed to two definite principles: the principle of unification and of democratization of the entire Union and as such it cannot be contemplated by any provision of the Draft Constitution that there can be some sort of a different treatment between the Provinces and the States. The word "State" has been defined in Article 7 of the Draft Constitution as under:

"In this Part, unless the context otherwise requires, 'the State' includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India."

The word that has been used is "includes" that means there might be something more which may come within the purview of the word "State". I think the word "Ruler" may be contemplated there. That is why we are not happy over the use of the word "State" in proviso (b) to the amendment proposed by the Drafting Committee itself.

Sir, I respectfully submit that my suggestions and remarks will be taken in the light they are made and will be considered.

Chaudhari Ranbir Singh (East Punjab: General): *[Mr. President, while supporting Dr. Ambedkar's amendment I cannot help remarking that the amendment undoubtedly provides some freedom to the members of the Central Legislative to move private bills as also some freedom and opportunity to the minorities, based on religion or caste, to have their say in the matter of the formation of any province of their choice. But I want to submit in this connection that the aim of our country being the establishment of a secular State our non-religious Government should follow the rule that all such reservations based on religion or community should be abolished. On the other hand I fear that if this suggestion is accepted, a community which is in a majority in a territory but is in minority in a State will have neither the same weight nor the same opportunities as it had under the previous provisions.]*

Shri H. R. Guruv Reddi (My sore): May I suggest, Sir, that further discussion may be continued tomorrow?

Mr. Vice-President: The House stands adjourned till 10A. M. on Thursday the 18th November 1948.

The Assembly then adjourned till Ten of the Clock on Thursday, the 18th November 1948.

[Translation of Hindustani speech.]